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Update No. 77
01-09

TO: Persons Holding Copies of the San Diego County Zoning Ordinance

FROM: Department of Planning and Land Use

RE: AMENDMENT PAGES FOR THE COUNTY ZONING ORDINANCE

Attached are pages containing changes to the San Diego County Zoning Ordinance amended by the adoption of Ordinance No. 9958 (New Series). The ordinance amendments consist of miscellaneous clean-up items and various new sections including the new Certified Farmers' Market Temporary Use Type. These amendment pages are known as POD 08-011 adopted by the Board of Supervisors on December 10, 2008.

Please substitute these pages in your copy of the Zoning Ordinance by removing the obsolete page(s) and adding new page(s) as follows:

REMOVE	ADD	SECTION CHANGES/DESCRIPTION
1000 (1 page)	1000 (1 page)	Applicability of the Zoning Ordinance, new sub section 1006.e
Def. B (2 pages)	Def. B (2 pages)	Definition of Borrow Pit amended (portions of the definition moved to new section 6557)
Def. C (1 page)	Def. C (1 page)	Definition of Certified Farmers Market added
Def. F (1 page)	Def. F (1 page)	Definition of Farmers Market, Certified added
Def. S (1 page)	Def. S (1 page)	Definition of Setback, Front Yard amended
Def. T (1 page)	Def. T (1 page)	Definition of Trailer Coach amended
1545 (1 page)	1545 (1 page)	Transient Habitation, Rental Units added, new sub section 1545.d
4100 (1 page)	4100 (1 page)	Density Designator Notation amended
5750 (1 page)	5750 (1 page)	Site Plan Required amended
6100 (1 page)	6100 (1 page)	Identification of permitted temporary uses, Farmers Market added
6121 (1 page)	6121 (1 page)	New Certified Farmers Market section added
6150 (1 page)	6150 (1 page)	Greenhouse amended

REMOVE	ADD	SECTION CHANGES/DESCRIPTION
End 6156 - 6158 (3 pages)	End 6156 - 6158 (3 pages)	Fallbrook Village Zones added to outdoor eating cafes and section realigned
6252 (1 page)	6252 (1 page)	Exempt on premise signs amended
6450 (1 page)	6450 (1 page)	General Standards amended
6506 (1 page)	6506 (1 page)	Pre-application Conference amended
6534 (1 page)	6534 (1 page)	Pre-application Conference amended
6550 (1 page)	6550 (1 page)	New section 6557, Exemptions to use Regulations added
6708 - 6713 (2 pages)	6708 - 6713 (2 pages)	Typographical error from previous change and section realigned
6800 - 6814 (2 pages)	6800 - 6814 (2 pages)	Exemptions to Enclosures amended and section realigned
6902 (1 page)	6902 (1 page)	Lot line locations, new subsection m added
6975 (1 page)	6975 (1 page)	Recycling Processing Facility amended
7172 (1 page)	7172 (1 page)	New section for Minor Deviation or Modification Not Required added
7350 - 7359 (3 pages)	7350 - 7359 (3 pages)	Application for the granting of a use permit amended and section realigned
7364 - 7374 (2 pages)	7364 - 7374 (2 pages)	Appeal amended to clarify timing
7607 - 7613 (2 pages)	7607 - 7613 (2 pages)	Minor Deviation from plan amended to include Administrative Permit

Upon insertion of these pages, we suggest you fill in the space provided for Update No.77 inside the front cover of your Zoning Ordinance. This will serve as a record that your copy has been updated.

If you have questions regarding this update, please contact Carl Stiehl at (858) 694-2216.

Jeff Murphy, Deputy Director
Advanced Planning Division

JM:cs

PART ONE: BASIC PROVISIONS

GENERAL PROVISIONS

1000 TITLE AND PURPOSE OF PART ONE.

The provisions of Section 1000 through Section 1999, inclusive, shall be known as the Basic Provisions of the Zoning Ordinance. The purpose of these provisions is to specify the title, purpose, basic structure and applicability of the Zoning Ordinance and to require conformity to this Ordinance. These provisions shall apply to the entirety of the Zoning Ordinance.

1001 TITLE OF THE ZONING ORDINANCE.

This Ordinance shall be known and cited as The Zoning Ordinance.

1002 PURPOSE OF THE ZONING ORDINANCE.

The purpose of the Zoning Ordinance shall be to serve the public health, safety and general welfare and to provide the advantages resulting from the implementation of the San Diego County General Plan.

1003 CONSISTENCY OF ZONING ORDINANCE WITH THE SAN DIEGO COUNTY GENERAL PLAN.

In the event that the Zoning Ordinance becomes inconsistent with the San Diego County General Plan by reason of the adoption of a new Plan, or by amendment of the existing Plan or any of its elements, the Zoning Ordinance shall be amended within a reasonable time so that it is consistent with the newly adopted Plan or remain consistent with the existing Plan as amended. Additionally, all Zoning Ordinance amendments other than those previously described shall be consistent with the San Diego County General Plan. The procedure for the amendment of the Zoning Ordinance is contained in Sections 7500 through 7549, inclusive.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

1004 OPEN SPACE ZONING ORDINANCE.

The Board of Supervisors hereby finds and declares that the zones containing the following Use Regulations and Special Area Regulations contained in this Zoning Ordinance constitute the Open Space Zoning Ordinance pursuant to the California Government Code: the A70 Limited Agriculture, A72 General Agriculture, S80 Open Space, S90 Holding Area, S92 General Rural, and S94 Transportation and Utility Corridor Use Regulations, and the Flood Plain,

1004

Historic/Archaeological Landmark and District, Scenic Area, Sensitive Resource Area, and Agricultural Preserve Special Area Regulations.

(Amended by Ord. No. 5330 (N.S.) adopted 12-13-78)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 8114 (N.S.) adopted 7-29-92)

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

1006

APPLICABILITY OF THE ZONING ORDINANCE.

- a. The Zoning Ordinance shall be applicable to all of the unincorporated areas of San Diego County. The use and employment of all land and any buildings or structures located upon the land and the construction, reconstruction, alteration, expansion, or relocation of any building or structure upon the land shall conform to all regulations applicable to the zone in which the land is located. No land, building, structure or premises shall be used for any purpose or in any manner other than is permitted in the zone in which such land, building, structure or premise is located.
- b. The Zoning Ordinance shall not apply to the development, use, or improvement of new or existing County Parks.
- c. The Zoning Ordinance shall not apply to Indian Reservation lands within the County of San Diego. Such lands are defined as those parcels which are identified as Indian Reservation lands by an Act of the United States Congress.
- d. The Zoning Ordinance shall not apply to federally-owned public lands within the County of San Diego. Such lands are defined as those parcels which are identified as federally-owned public lands by the San Diego County Assessor.
- e. The Zoning Ordinance shall not apply to solid waste management projects undertaken by the County on County-owned land.

(Amended by Ord. No. 6615 (N.S.) adopted 6-22-83)

(Amended by Ord. No. 7036 (N.S.) adopted 9-18-85)

(Amended by Ord. No. 8340 (N.S.) adopted 12-15-93)

(Amended by Ord. No. 9553 (N.S.) adopted 5-21-03)

(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)

(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

1007

RESPONSIBILITY FOR COMPLIANCE WITH THE ZONING ORDINANCE.

In addition to the provisions of Section 7703 VIOLATIONS AND PENALTIES, a property owner shall be considered to have allowed any use of property occupied by, or under the dominion and control of, the owner, and shall be responsible for the discontinuance and removal of any violation of The Zoning Ordinance. Said responsibility shall include property leased to other parties. A property owner shall also be responsible for the discontinuance and removal of any violation of The Zoning Ordinance that existed on the property prior to the current owners purchase of the property.

(Added by Ord. No. 8166 (N.S.) adopted 10-21-92)

Bluff Edge: The upper termination of a bluff. When the top edge of the bluff is rounded away from the face of the bluff as a result of erosional processes related to the presence of the steep bluff face, the edge shall be defined as that point nearest the bluff beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the bluff. In a case where there is a steplike feature at the top of the bluff face, the landward edge of the topmost riser shall be taken to the bluff edge. In those cases where irregularities, erosion intrusions, structures or bluff stabilizing devices exist on a subject property so that a reliable determination of the bluff edge cannot be made by visual or topographic evidence, the Director shall determine the location of the bluff edge after evaluation of a geologic and soil report.

(Added by Ord. No. 5329 (N.S.) adopted 12-13-78)

Boarding: The provision of lodging, including room and board to paying guests on a monthly or longer basis.

(Added by Ord. No. 7160 (N.S.) adopted 6-18-86)
(Amended by Ord. No. 7363 (N.S.) adopted 8-19-87)

Boarding or Breeding Stable: A stable used for the boarding, breeding or raising of horses, including horses not owned by the occupants of the premises.

Body Painting Studio: Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when such body is wholly or partially nude in terms of specified anatomical areas.

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

Bookstore: (See Adult Bookstore and General Bookstore)

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

Borrow Pit: Premises from which soil, sand, gravel, decomposed granite or rock are removed for any purpose. For exceptions to Extractive Use Regulations see section 6557.

(Amended by Ord. No. 6133 (N.S.) adopted 7-22-81)
(Amended by Ord. No. 6298 (N.S.) adopted 5-26-82)
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

Def. B

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building, Accessory: (See Accessory Building)

Building, Facing: The linear length of a building or portion of a building occupied by a single establishment.

Building Height: (See Height, Building)

Building, High Rise: Any building over 55 feet in height.

(Added by Ord. No. 9935 (N.S.) adopted 4-23-08)

Building, Main: (See Main, Building)

Building, Multiple-Entrance: Any nonresidential structure which provides primary access from sidewalks, parking areas, external balconies or arcades, or other public areas directly into any one of two or more individual tenant/user spaces in such structure without requiring passage through a common hallway, entry way or courtyard.

(Added by Ord. No. 6092 (N.S.) adopted 7-1-81)

Building Site: One or more legally created lots when used in combination for a building or group of buildings together with all open spaces as required by this ordinance. (See Lot Area, Net).

(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

Building Site Front: (Deleted by Ordinance No. 7576 (N.S.) Adopted 1-11-89)

Building Type: The development designator intended to regulate the structural types and arrangements of buildings, and the arrangement of uses within them.

Building Type, Mixed Residential-Nonresidential: That group of building types comprising the following:

1. Limited: A structure or structures containing one or more dwelling units in any vertical or horizontal arrangement and in which principal nonresidential use types are located only at the ground level, or at any level below the ground level of the building or structure.
2. Unlimited: A structure or structures containing one or more dwelling units in any vertical or horizontal arrangement and in which principal nonresidential use types may be located on any level of the building or structure.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

Building Type, Nonresidential: That group of building types comprising the following:

1. Detached: A building, freestanding and structurally separated from other buildings, located on a lot or building site which may be occupied by other buildings.
2. Attached: Two or more main buildings placed side-by-side so that some structural parts are touching one another, located on a lot or building site or portion thereof which may be either occupied or unoccupied by other main buildings.

Building Type, Residential: That group of building types comprising the following:

1. Single Detached: One dwelling unit, freestanding and structurally separated from any other dwelling unit or building, located on a lot or building site which is unoccupied by any other dwelling unit.
2. Double Detached: (See Duplex).
3. Semi-Detached: One dwelling unit, which is placed side-by-side and touching another dwelling unit or its garage, both of which are located on separate lots or building site unoccupied by any other dwelling unit.
4. Duplex: Two dwelling units placed side-by-side, which may be attached or detached, both of which are on a lot or building site which is unoccupied by any other dwelling unit.
5. Triplex: A multiple dwelling limited to three dwelling units arranged side-by-side or vertically so that some structural parts are touching one another, but freestanding and structurally separated from any other dwelling units, all of which dwelling units are located on a lot or building site which is unoccupied by any other dwelling unit.

Def. B

6. Stacked: Dwelling units arranged vertically so that one dwelling unit is placed above or below the other. The number of dwelling units shall not exceed the number permitted by the same building designator for other types of residential buildings.
7. Attached, Three to Eight Dwelling Units: 3 to 8 dwellings placed side-by-side so that some structural parts are touching one another, located on separate lots which are unoccupied by any other dwelling units.
8. Multi-Dwelling: A structure or structures containing a total of 3 or more dwelling units in any vertical or horizontal arrangement on a single lot or building site.

(Amended by Ord. No. 5768 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6940 (N.S.) adopted 4-10-85)

Bulk Reverse Vending Machine: A grouping of reverse vending machines occupying more than 50 square feet, designed to accept more than one container at a time and paying by weight instead of by container.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)

Business or Commerce: The purchase, sale or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit; the management of office buildings, offices, recreational or amusement enterprises; or the maintenance and use of offices, structures and premises by professions and trades rendering services; or the use or leasing of land for promotion, display, or sales of mobilehomes or for the limitation of consumer choice as to services or products to be used in any mobilehome park to any one seller or group of sellers.

(Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)

DEFINITIONS (C)

Cabana: A portable, demountable, or permanent room enclosure or other building erected or constructed for the use of the occupant of the mobilehome for human occupancy.

Cabaret: (See Adult Cabaret)

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

Cable Television (CATV) System: Any facility which, in whole or in part, receives directly or indirectly from the air and amplifies or otherwise modifies electronic or microwave signals transmitting programs broadcast by one or more television stations and/or originates or purchases programs or electronic or microwave signals and distributes such signals or any of them by wire or cable to subscribing members of the public who pay for such service.

California Coastal Zone: That portion of the Coastal Zone described in Section 30103 of the California Coastal Act of 1976 (Public Resources Code Section 20000 et seq.) which is within the unincorporated territory of the County of San Diego.

(Added by Ord. No. 6743 (N.S.) effective 1-11-85)

Caretaker: A person who takes care of a parcel or building.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

Cargo Container: Any portable, reusable container generally referred to as a sea cargo container or cargo container and primarily designed or used for transporting freight by commercial transportation. When used for any purpose other than transporting freight a Cargo Container is a structure.

(Added by Ord. No. 9844 (N.S.) adopted 4-18-07)

Carport: A type of garage which is a roofed structure, or a portion of a building, open on 2 or more sides primarily for the parking of automobiles belonging to the occupants of the property.

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

Def. C

Cat: A feline that has reached the age of 4 months.

Categorical Exemption: Certain classes of projects found by the Secretary for Resources of the State of California not to have substantial adverse effects on the environment, and thus are exempt from the EIR requirement.

Cellar: That portion of a building between floor and ceiling which is wholly or partly below grade (as defined in these regulations) and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

Cemetery: Land used or intended to be used for the burial of one or more dead human bodies or cremated remains thereof, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

(Amended by Ord. No. 7850 (N.S.) adopted 1-16-91)

Certified Farmers' Market: A temporary marketplace, either indoors or outdoors, for the display and sale of produce and other agricultural products such as, but not limited to, fresh fruits, vegetables, nuts, honey, shell eggs, flowers, and nursery stock, for which a Certified Farmers' Market Certificate has been issued by the County Agricultural Commissioner pursuant to California Code of Regulations, Title 3, Division 3, Chapter 1, Subchapter 4, Article 6.5.

(Added by Ord. No. 9958 (N.S.) adopted 12-10-08)

Certified Recycling Facility: A recycling facility which has been certified by the California Department of Conservation as meeting the requirements of the California Beverage Container and Litter Reduction Act of 1986.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)

Chimney: A hollow shaft containing one or more passages vertical or nearly so, for conveying products of combustion.

Child Care Center: A state-licensed facility of any capacity other than a family day care home for children in which less than 24 hour per day nonmedical care and supervision is provided for children in a group setting.

(Added by Ord. No. 6782 (N.S.) adopted 5-16-84)

Family Day Care Home for Children, Large: A state-licensed family day care home serving nine to fourteen children where care, protection and supervision are regularly provided in the caregiver's own home for periods of less than 24 hours per day, while the parents or guardians are away. The number of children shall include children under the age of 10 years who reside at the home.

(Added by Ord. No. 6782 (N.S.) adopted 5-16-84)
(Amended by Ord. No. 7743 (N.S.) adopted 3-28-90)
(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)

Family Day Care Home For Children, Small: A state-licensed family day care home serving eight or fewer children where care, protection and supervision are regularly provided in the caregiver's own home for periods of less than 24 hours per day, while the parents or guardians are away. The number of children shall include children under the age of 10 years who reside at the home.

(Added by Ord. No. 7743 (N.S.) adopted 3-28-90)
(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)

Farm Employee: Any person who derives more than half of their total livelihood in the service of another person as an employee engaged in farming in any of its branches, including cultivation and tilling of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, or poultry, and the preparation of farm products for market and delivery to storage or to market or to carriers for transportation to market. "Farm Employee" does not include the owner or lessee of a particular property, or a person engaged in construction, alteration, painting, or repair of a structure, logging, or land surveying. "Farm Employee" may include a person engaged in brush or timber clearing, land grading or leveling when such activity is being carried out in preparation for farming.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 7110 (N.S.) adopted 4-2-86)

Farm Employee Housing: Living units for one to four farm employees and their families. This is an accessory use subject to Section 6156.u.

(Added by Ord. No. 7790 (N.S.) adopted 08-01-90. This ordinance will expire on August 31, 1993, unless extended in connection with GPA 93-02)

Farmers' Market, Certified: (See Certified Farmers' Market)

(Added by Ord. No. 9958 (N.S.) adopted 12-10-08)

Fence, Non-View-Obscuring: (See Fence, Open)

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)

Fence, Open: A fence (and the gates in such fence) which permits direct vision through at least 80 percent of any one square foot segment of fence surface.

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)

Def. F

Fence, Solid: A fence (and the gates in such fence) constructed of solid material through which no visual images or light may be seen. Openings in such fence (and its gates when closed) shall not exceed 2 percent of any one square foot segment of the fence's surface which is more than 8 inches above the ground.

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)

Fence, View-Obscuring: A fence (and the gates in such fence) whose surface is covered by solid or opaque material through which no visual images may be seen. Openings in such a fence (and its gates when closed) shall not exceed 20 percent of any one square foot segment more than 8 inches above the ground, nor shall any opening exceed one-half inch in width. Woven wire or chain link fences containing slats are not view- obscuring fences.

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)

Fill: Any material or substance which is deposited, pushed, dumped, pulled or otherwise transported or moved to a new location for the purpose of elevating an area above the floodplain. Examples of fill materials include but are not limited to earth, excavated or dredged materials, sand, gravel, rock, asphalt, refuse and concrete rubble.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

Flood: A general and temporary condition of partial or complete inundation of normally dry land area lying outside normal stream channel as a result of one or more of the following occurrences or conditions - the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood, 10-Year: A flood estimated to occur at an average of once in 10 years (10 percent frequency of occurrence) which is determined from an analysis of historical flood and rainfall records and computed in accordance with the San Diego County Standard approved by the Board of Supervisors on May 19, 1970, and filed with the Clerk of the Board of Supervisors as Document NO. 427201.

Flood, 100-year: A flood estimated to occur at an average of once in 100 years (one percent frequency of occurrence), determined from an analysis of historical flood and rainfall records and computed in accordance with the San Diego County Standard approved by the Board of Supervisors on May 19, 1970, and filed with the Clerk of the Board of Supervisors as Document No. 427201.

Setback: A required, specified distance between a building or structure and a lot line or lines, measured perpendicularly in a horizontal plane extending across the complete length of said lot line or lines.

Setback, Front Yard: The setback applicable in the front yard of a building or structure. When a parcel or lot abuts a public road, the front setback shall be measured from the centerline of the public road.

(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

Setback, Rear Yard: The setback applicable in the rear yard of a building or structure.

Setback, Side Yard: The setback applicable in the side yard of a building or structure.

Sexual Encounter Establishment: An establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State of California engages in sexual therapy. For the purposes of these regulations, sexual encounter establishment shall include massage or rap parlor and other similar establishments.

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

Sexual Activities: (See Specified Sexual Activities)

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

Shaft: A vertical opening through a building for elevators, dumbwaiters, mechanical equipment or similar purposes.

Shrub: A woody perennial plant generally with multiple basal stems.

(Added by Ord. No. 7735 (N.S.) adopted 3-13-90; operative 10-01-90)

Sidewalk Cafe: An area adjacent to and directly in front of a street level eating or drinking establishment located within the sidewalk area of the public right-of-way used exclusively for dining, drinking and pedestrian circulation. The encroachment area of a sidewalk cafe may be separated from the remainder of the sidewalk by railings, fencing or landscaping planter boxes or a combination thereof.

(Added by Ord. No. 6924 (N.S.) adopted 2-20-85)

Def. S

Sign: Any structure, device, material or substance placed, attached or applied in any manner on or above a building, structure or site so as to be visible at or beyond the property boundaries and which displays by shape, color, light or symbol any attention arrestor device, model, banner, numeral, letter, word, trademark, logo, emblem or other representation used as or in the nature of an advertisement or solicitation of a business, profession, service, person, group, organization, firm, enterprise, industry, product, commodity, merchandise place or event.

(Added by Ord. No. 6691 (N.S.) adopted 11-30-83)

Sign, Abandoned: A sign which remains in place after expiration of the permit authorizing it or after the date, event or purpose for which it was installed has passed or terminated.

(Added by Ord. No. 6691 (N.S.) adopted 11-30-83)

DEFINITIONS (T)

Take-off and Landing Area: That area of any helicopter facility where the helicopter actually lands and takes off, and includes the touch down area.

(Added by Ord. No. 7058 (N.S.) adopted 10-30-85)

Trailer Coach: Any vehicle, with or without motive power, designed or used for human occupancy for residential, recreational, industrial, professional, or commercial purposes and shall include camp car, mobilehome and travel trailer.

(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

Transient Habitation Unit: Living quarters intended exclusively for occupation by transient persons. A transient habitation unit may include a hotel or motel room or suite of rooms, a cabin or a campground space.

Transitional Landscape: Areas used to buffer a development or disturbed area from a natural or undisturbed area (such as fire breaks, fuel modification areas, etc.).

(Added by Ord. No. 7735 (N.S.) adopted 3-13-90; operative 10-01-90)

Tree: A perennial woody plant with one or more well defined stems or trunks which, at maturity, is largely kept clear of leaves and branches at least 5 feet above grade.

(Added by Ord. No. 7735 (N.S.) adopted 3-13-90; operative 10-01-90)

Triplex: (See Building Type; Residential Triplex)

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)

Turf: Upper layer of soil bound by grass and plant roots into a thick mat.

(Added by Ord. No. 7735 (N.S.) adopted 3-13-90; operative 10-01-90)

Turf Area, Active: Area of turf used primarily for recreational purposes such as ball fields, active play park areas or passive play areas.

(Added by Ord. No. 7735 (N.S.) adopted 3-13-90; operative 10-01-90)

Turf Area, Large: An area containing at least 3 acres of turf.

(Added by Ord. No. 7735 (N.S.) adopted 3-13-90; operative 10-01-90)

Turf Area, Passive: Area of turf not primarily used for active recreational uses.

(Added by Ord. No. 7735 (N.S.) adopted 3-13-90; operative 10-01-90)

Def. U

DEFINITIONS (U)

Unlimited: (See Building Type, Mixed Residential-Nonresidential)

Usable Open Space: One or more open areas adjacent to residential uses, the purpose of which is to provide an outdoor area designed for outdoor living and recreation, and which is located at, below, or above grade.

Ultralight Vehicle: A powered or unpowered vehicle that is defined and described in Federal Aviation Regulations (FAR), Part 103, promulgated by the United States Government, Department of Transportation (DOT), Federal Aviation Administration (FAA), as that regulation is presently written or as it may be amended.

(Added per Ord. No. 7197 (N.S.) adopted 9-10-86)

Usable Open Space, Group: Usable open space intended for common use by occupants of a development, either privately owned and maintained or dedicated to a public agency, normally including swimming pools, recreation courts, patios, open landscaped areas, and greenbelts with pedestrian walkways and equestrian and bicycle trails. Group usable open space does not include off-street parking and loading areas or driveways.

Usable Open Space, Private: Usable open space intended for use of occupants of one dwelling unit, normally including yards, decks, and balconies.

Use: The purpose for which land or a building is occupied, arranged, designed or intended, or for which land or a building is or may be occupied or maintained.

Use, Accessory: (See Accessory Use)

Use Classification: A system of classifying uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics. All use types are grouped into the following categories: Residential, Civic, Commercial, Industrial, Agricultural, and Extractive.

Use Permit: A permit which may be granted by the appropriate San Diego County authority to provide for the accommodation of land uses with special site or design requirements, operation characteristics, or potential adverse effects on surroundings, which are not permitted as of right but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval by the permit granting authority.

1545 TRANSIENT HABITATION.

Transient Habitation refers to establishments primarily engaged in the provision of lodging services on a less than weekly basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are Transient Habitation use types:

- a. Transient Habitation: Campground. Campground services involving transient habitation areas for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.
- b. Transient Habitation: Lodging. Lodging services involving the provision of room and/or board. Typical uses include hotels, motels or transient boarding houses.
- c. Transient Habitation: Resort. Resort services including the provision of extensive outdoor recreation and entertainment services especially for vacationers. Typical uses include resort and recreational facilities, dude ranches, health spas, and resort hotels, motels and nudist facilities.
- d. Transient Habitation: Rental Units. Residences, condominiums, apartments and townhomes that are rented on a daily, weekly or monthly basis. When used in this way, a rental unit is not occupied by the owner nor is the occupant using the rental unit as his or her primary or permanent residence.

(Amended by Ord. No. 7106 (N.S.) adopted 3-19-86)

(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

1550 WHOLESALING, STORAGE AND DISTRIBUTION.

Wholesaling, Storage and Distribution refers to establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants. The following are Wholesaling, Storage and Distribution use types:

- a. Wholesaling, Storage and Distribution: Mini-Warehouses. Storage or warehousing service within a building(s) primarily for individuals to store personal effects and by businesses to store material for operation of an industrial or commercial enterprise located elsewhere. (See Section 6909 for regulations applicable to mini-warehouses.
- b. Wholesaling, Storage and Distribution: Light. Wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses or moving and storage firms.
- c. Wholesaling, Storage and Distribution: Heavy. Open air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, grain elevators or open storage yards.

(Amended by Ord. No. 6984 (N.S.) adopted 7-03-85)

(Amended by Ord. No. 7388 (N.S.) adopted 10-07-87)

(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

DENSITY REGULATIONS

4100 TITLE AND PURPOSE.

The provisions of Section 4100 through Section 4199, inclusive, shall be known as the Density Regulations. The purpose of these provisions is to aid in the implementation of the growth, population distribution, conservation, and development policies of the San Diego County General Plan and its associated Community and Specific Plans, and to meet requirements for residential and nonresidential development within the County as set forth in the policies and principles of the General Plan.

4105 DENSITY DESIGNATOR NOTATION.

Density shall be indicated by an Arabic numeral indicating the actual maximum number of permitted dwelling units per net residential acre. Density may be expressed in decimal fraction notation, e.g. "3" and "3.5" indicating three and three and one-half dwelling units per net residential acre, respectively. A dash ("-") shall indicate that no dwelling units are allowed. This prohibition shall not apply to dwellings permitted by the Temporary Use Regulations or the Accessory Use Regulations (see sections 6156 and 6160).

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

4110 DENSITY REGULATIONS.

- a. Specification of Density. Maximum residential densities expressed in dwelling units per net residential acre shall be established to regulate the density of residential development and any such density may be specified within the Development Regulations. The adopted San Diego County General Plan shall serve to guide the specification of residential density.
- b. Density Designator. In no case shall a density greater than 43 dwelling units per net residential acre be specified.
- c. Minimum Density. Minimum densities may be applied to require a minimum level of residential development, when development is undertaken. Minimum residential density shall be expressed as the minimum dwelling units permitted per net residential acre and shall appear as an Arabic numeral which precedes the maximum residential density and which is separated by a dash ("-") from the maximum residential density. The notation for minimum density shall be the same as that specified for maximum density in Section 4105. A minimum residential density shall not be specified except in association with a maximum residential density.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6478 (N.S.) adopted 12-1-82)

4115

4115 COMPUTATION OF PERMITTED NUMBER OF DWELLING UNITS.

The maximum number of dwelling units permitted within the exterior boundary lines of any subdivision or a single lot shall be equal to the product of the total of the net lot area of that subdivision, or lot expressed in acres multiplied by the applicable maximum density designator. The product shall be rounded off to the nearest whole number of dwelling units. A product with a fraction of one-half or less of a dwelling unit shall be rounded down to the nearest whole number of dwelling units except that a product of less than one dwelling unit shall be interpreted as permitting one dwelling unit. A product with a fraction of more than one-half of a dwelling unit shall be rounded up to the nearest whole number of dwelling units. The use of a dash ("-") as a density designator shall indicate that no dwelling unit is allowed as a principal or secondary use. This prohibition shall not apply to dwellings permitted by the Temporary Use Regulations or the Accessory Use Regulations.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)

(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

4116 COMPUTATION OF PERMITTED NUMBER OF DWELLING UNITS WHEN DISCRETIONARY REVIEW IS REQUIRED AND PORTION OF SITE WILL BE REQUIRED FOR STREET RIGHT-OF-WAY.

The maximum number of dwelling units permitted within the exterior boundary lines of property which is subject to approval of a Site Plan or Administrative Permit shall be computed as in Section 4115 except that:

- a. The Director shall obtain a recommendation for necessary street right-of-way requirements from the Department of Public Works; and
- b. Any street right-of-way which would be required by the Department of Public Works in order to obtain a building permit for the subject property shall be deducted in making the above calculations for net lot area.

(Added by Ord. No. 7740 (N.S.) adopted 3-28-90)

4120 EXCEPTIONS TO DENSITY REGULATIONS.

The following are exceptions to the Density Regulations:

- a. Repealed.

(Repealed and Reenacted by Ord. No. 8166 (N.S.) adopted 10-21-92)

- b. Farm Labor Camps. Dwelling units built pursuant to a use permit to accommodate a farm labor camp are subject to the following Density Regulations.

COMMUNITY DESIGN REVIEW AREA REGULATIONS

5750 TITLE AND PURPOSE.

The provisions of Section 5750 through Section 5799, inclusive, shall be known as the Community Design Review Area Regulations. The purpose of these regulations is to provide for the maintenance and enhancement of a Community's individual character and identity.

(Added by Ord. No. 7127 (N.S.) adopted 5-7-86)

5754 DESIGNATED AREA.

An area that has been identified by the application of a community design review area designator shall be known as a designated area for the purposes of these regulations. Designated areas shall be subject to the Community Design Review Area regulations of Section 5750 through 5799 inclusive. In addition, property subject to the Village 1 (V1), Village 2 (V2), Village 3 (V3), Village 4 (V4), or Village 5 (V5) Zones in the community of Fallbrook shall be subject to these regulations and to the Fallbrook Design Guidelines.

(Added by Ord. No. 7127 (N.S.) adopted 5-7-86)

(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

5756 SITE PLAN REQUIRED.

No building permit or discretionary approval pursuant to this ordinance shall be issued, nor shall any person construct or alter a building, structure, or parking area, nor shall any outdoor commercial or industrial use be established, on land subject to the Community Design Review Area Regulations until a Site Plan which conforms to the criteria established pursuant to these regulations has been submitted and approved in accordance with the Site Plan Review Procedure commencing at Section 7150. A Site Plan is not required for any of the following:

- a. Alterations to the interior of a structure which are not visible from the outside.
- b. Zone Reclassifications, subdivisions of land, or other discretionary approvals not involving the design of buildings or structures, except that subdivisions in the I-15 Scenic Corridor shall not be exempt.
- c. Electrical, gas or other utility improvements where no associated discretionary permits are required, provided that any visible portion of such improvement does not exceed 24 inches in any dimension. The Director may require the applicant to submit an affidavit stating that the proposed utility improvement will not serve a use other than those uses presently occurring legally on the site.
- d. Temporary improvements associated with construction activities authorized by building permit. Said improvements shall include, but not be limited to, trailers, fences, and signs which do not require discretionary approval by other applicable sections of The Zoning Ordinance.
- e. Signs exempt from The Zoning Ordinance pursuant to Section 6203.
- f. Temporary special purpose off premise signs pursuant to Section 6207.

5756

- g. Any use or development type which according to the applicable design guidelines is not subject to design review pursuant to the Community Design Review Area Regulations.
- h. A grading permit pursuant to the Grading Ordinance, except in the I-15 Scenic Corridor.
- i. The following types of projects which the Director determines comply with the applicable community design program objectives and design guidelines:
 - 1. New on-premise signs, except in the I-15 Corridor, if existing on-premise signs which are under the control of the person requesting the exemption are also in full compliance with applicable design guidelines. The Director may require sufficient evidence in the form of drawings, photographs and/or other graphic exhibits.
 - 2. Replacement, repair or minor modifications to exterior wall or roof finish materials on existing structures.
- j. Exterior alteration or new construction not otherwise exempt under this section, which is not visible from any street, excluding alleys, provided the total lot coverage is not increased to more than 75 percent of the net lot area. Eliminating said visibility through screening techniques such as landscape, walls, fences or grading shall not qualify such exterior alterations or new construction for this exemption. The Director shall determine if a project meets this exemption standard and may require any necessary information including drawings, photographs and/or other graphic exhibits.
- k. Small antennas (i.e., satellite earth station receiving antennas or similar antennas for video programming and television signals) exempted by Federal Communications Commission rules from local design review regulations. This exemption applies to antennas that are one meter (39 inches) or less in diameter or diagonal measurement. Such antennas mounted on masts exceeding 12 feet in height are not included in this exemption.
- l. Certified Farmers' Market pursuant to section 6122.

Any decision by the Director to exempt a project pursuant to this section shall be final.

(Added by Ord. No. 7127 (N.S.) adopted 5-7-86)
(Amended by Ord. No. 7576 (N.S.) adopted 1-11-89)
(Amended by Ord. No. 8236 (N.S.) adopted 5-5-93)
(Amended by Ord. No. 8407 (N.S.) adopted 5-18-94)
(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

5757 WAIVER OF SITE PLAN - COMMUNITY DESIGN REVIEW.

The Site Plan requirement of Section 5756 may be waived by the Director under either of the following circumstances:

TEMPORARY USE REGULATIONS

6100 TITLE AND PURPOSE.

The provisions of Section 6100 through 6149, inclusive, shall be known as the Temporary Use Regulations. The purpose of these regulations is to establish permitted temporary uses and standards and conditions for regulating same.

6102 IDENTIFICATION OF PERMITTED TEMPORARY USES.

The following temporary uses shall be permitted as specified by these regulations:

- a. Circus, Carnival, or Other Outdoor Entertainment Event. The temporary gathering of people for a circus, carnival, or other outdoor entertainment event.
- b. Antique or Art Show on Public Property. The temporary use of public property for antique or art shows.
- c. Religious Assembly. The temporary gathering of people for religious purposes.
- d. Construction Support. Temporary building and structures supporting residential development and major construction.
- e. Reversible Uses of Future Highway Rights-of-Way. Temporary uses on land required for a future County or State Highway.
- f. Travel Trailer Park. The temporary operation of a travel trailer park.
- g. Uses in New Subdivisions. Temporary uses in new subdivisions and other residential developments which support the sale of dwellings and lots within the same subdivision or residential development.
- h. Use of Trailer Coach. Temporary use of a trailer coach for certain purposes.
- i. Use of Public School Sites. Temporary use of a public school site for certain specified purposes.
- j. Certified Farmers' Market. Temporary use of certain public or commercial property for a Certified Farmers' Market.

(Amended by Ord. No. 7693 (N.S.) adopted 11-29-89)

(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

6104 TEMPORARY USES SUBJECT TO CONTROLS.

Temporary uses shall be subject to all regulations as would be applied to a permanent principal or accessory use located in the same zone, except as otherwise provided by these regulations.

6106

6106 CIRCUS, CARNIVAL, OR OTHER OUTDOOR ENTERTAINMENT EVENT.

The temporary gathering of people for a circus, carnival, or other outdoor entertainment event may be permitted by the Sheriff through the issuance of a license pursuant to the Uniform Licensing Procedure of the County Code and in compliance with the following provisions:

- a. Location. A circus, carnival or other outdoor entertainment event may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations.
- b. Duration. The period of operation of the circus, carnival or other outdoor entertainment event shall not exceed 5 days.
- c. Noticed Hearing Not Required. The Sheriff may issue a license pursuant to this section without notice or public hearing.

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

6107 ANTIQUE OR ART SHOW ON PUBLIC PROPERTY.

The temporary gathering of people for an antique or art show and sales event may be permitted in compliance with the following provisions:

- a. Location. An antique or art show and sales event may be permitted in any zone provided such event is held on property owned by or under the control of a public agency and which is held pursuant to a permit, license, or lease approved by the governing board of said public agency, which permit, license or lease contains specific authorization for said event. As used in this section, "public agency" includes counties, cities, municipal corporations, political subdivisions, public districts and other public agencies of the State of California.
- b. Duration. The period of operation of the antique or art show and sales event shall not exceed 3 days.

(Amended by Ord. No. 6937 (N.S.) adopted 4-10-85)

6108 RELIGIOUS ASSEMBLY.

The temporary gathering of people for religious purposes may be permitted in compliance with the following provisions:

- a. Location. A religious assembly may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations.

- e. Operation and Maintenance. The school district owning or controlling the site in question shall be responsible for operating and maintaining the site and its facilities so that there are no adverse impacts on the public health, safety or neighborhood character. The District shall keep the site clean and well maintained at all times.
- f. Permanent Structures. No building permits shall be issued for permanent structures for the accommodation of any temporary uses, except for fences or restroom facilities that comply with the other requirements of this ordinance.
- g. All activities at the site shall comply with the County Code of Regulatory Ordinances regarding Noise Control. No amplified sound shall be allowed.
- h. District Rules. The public school district shall adopt policies, rules and regulations concerning use of this section, prior to permitting any use pursuant to this section.

(Added by Ord. No. 7693 (N.S.) adopted 11-29-89)

6122 CERTIFIED FARMERS' MARKET

A Certified Farmers' Market is allowed on a legal lot provided the following conditions are met:

- a. Location. A Certified Farmers' Market shall be located on public property, or within the C31, C32, C34, C35, C36, C37, C40 or C42 use regulations, or within the S88 use regulations and designated commercial in the Specific Plan. A Certified Farmers' Market shall not be located within a private road easement or on vacant or unimproved land.
- b. Duration. A Certified Farmers' Market shall not operate on more than one day per week.
- c. Hours of Operation. No activities, including setup, preparation, sales and close up, shall begin before 6:30 a.m. or continue after than 10:00 p.m. on Monday through Saturday. On Sunday the applicable hours shall be 7:30 a.m. and 6:00 p.m. respectively.
- d. The sales area shall not disrupt the flow of traffic onto and off of the site.
- e. The market shall have a current Certified Farmers' Market Certificate issued by the County Agricultural Commissioner and shall comply with all applicable laws, including the applicable provisions of the Food and Agricultural Code, the applicable regulations of the California Department of Food and Agriculture and the applicable ordinances of the County.

(Added by Ord. No. 9958 (N.S.) adopted 12-10-08)

ACCESSORY USE REGULATIONS

6150 TITLE AND PURPOSE.

The provisions of Section 6150 through 6199, inclusive, shall be known as the Accessory Use Regulations. The purpose of these provisions is to establish the relationship among the principal and accessory uses and the criteria for regulating accessory uses.

6152 ACCESSORY USES ENCOMPASSED BY PRINCIPAL USE.

In addition to the principal uses expressly included in the Use Regulations, each zone subject to such Use Regulations shall be deemed to include such accessory uses which are specifically identified by these Accessory Use Regulations; and such other accessory uses which are necessarily and customarily associated with, and are appropriate, incidental and subordinate to, such principal uses. When provided by these regulations, it shall be the responsibility of the Director to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal use, based on the Director's evaluation of the resemblance of the proposed accessory use to those uses specifically identified as accessory to the principal uses and the relationship between the proposed accessory use and the principal use. Such determinations which are made by the Director shall be subject to the Administrative Appeal Procedure commencing at Section 7200.

6154 ACCESSORY USES SUBJECT TO CONTROLS.

Accessory uses shall be controlled in the same manner as the principal uses within each zone, except as otherwise provided by these regulations.

6156 RESIDENTIAL AND AGRICULTURAL USE TYPES.

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Residential and Agricultural Use Types are permitted:

- a. Attached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, and other similar non-habitable uses.
 1. On lots of less than one acre gross, the total area shall not exceed 1,000 square feet or 25% of the living area of the principal residence, whichever is greater. On lots of one acre gross or larger but less than 2 acres, the area shall not exceed 1500 square feet or 25% of the living area of the principal residence, whichever is greater. On lots of 2 acres or larger but less than 4 acres, the area shall not exceed 2000 square feet or 25% of the living area of the principal residence, whichever is greater. On lots of 4 acres or larger, the area shall not exceed 3000 square feet or 25% of the living area of the principal residence, whichever is greater.
 2. If the portion of the structure in which the attached garage or carport is located is more than one story in height, that portion not used for the shelter or storage of vehicles shall be designed and used as an integral part of the principal residence or approved habitable use such as an accessory apartment, guest living quarters or accessory living quarters.

3. Additional area may be permitted by issuance of an Administrative Permit with notice to contiguous property owners pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6.
- b. Detached Poolhouses, Art or Music Studios, and Recreation Rooms. One detached poolhouse, art or music studio, or recreation room is permitted, provided the structure meets main building setbacks and is not designed for use as a guest living quarters or commercial use, unless permitted by the applicable requirements of the Use Regulations. Only one electric service drop and one electric meter to serve both the main dwelling and structure allowed by this subsection will be permitted. The size of detached Poolhouses, Art or Music Studios, and Recreation Rooms shall be combined with the total allowable square footage of detached private garages and carports, storage buildings, workshops, hobby shops, and other similar non-habitable structures for purposes of size limitations specified in paragraph g below.
 - c. Children's Playhouses, Patios, Porches, Gazebos, etc. Structures which are permitted to encroach into required yards per Section 4835 are limited to 12 feet in height.
 - d. Radio and Television Receiving Antennas, Dish Antennas.
 - e. Greenhouse. In the RR, A70 and A72, and S92 Use Regulations a greenhouse is allowed. In all other Residential Use Regulations, and the S88 Use Regulations where residential uses occur, a greenhouse is limited to 500 square feet unless an Administrative Permit is approved to increase the size. A greenhouse proposed in the S88 Use Regulations shall conform to the requirements of any applicable Specific Plan. A greenhouse in any of the Use Regulations listed above shall comply with the applicable setback and Building Code requirements. The building official shall determine if a building permit is required for a greenhouse.
 - f. Silos, Windmills and Tank Houses.
 - g. Detached Private Garages and Carports, Storage Buildings, Workshops, Hobby Shops, and other similar non-habitable uses (non business or non agricultural purposes). Only one electric service drop and one electric meter to serve both the main dwelling and structure allowed by this subsection will be permitted. The combined area of all such structures, together with the structures authorized by paragraph b above, shall be limited as follows:
 1. On lots of less than one acre gross, the combined area of all such structures shall not exceed 1,000 sq. ft. or 25% of the living area of the principal residence, whichever is greater.
 2. Provided a setback of least 25 feet from property lines is maintained:
 - i. On lots of one acre gross or larger but less than 2 acres, the combined area shall not exceed 1500 square feet or 25% of the living area of the principal residence, whichever is greater.
 - ii. On lots of 2 acres or larger but less than 4 acres, the combined area shall not exceed 2000 square feet or 25% of the living area of the principal residence, whichever is greater.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
 (Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)
 (Amended by Ord. No. 5912 (N.S.) adopted 10-22-80)
 (Added by Ord. No. 5935 (N.S.) adopted 11-19-80)
 (Amended by Ord. No. 5676 (N.S.) adopted 12-19-80)
 (Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)
 (Amended by Ord. No. 6151 (N.S.) adopted & effective 8-25-81 - Urgency Ordinance)
 (Amended by Ord. No. 6188 (N.S.) adopted 11-18-81)
 (Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)
 (Amended by Ord. No. 6284 (N.S.) adopted 5-5-82)
 (Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)
 (Amended by Ord. No. 6586 (N.S.) adopted 5-18-83)
 (Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)
 (Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)
 (Amended by Ord. No. 6782 (N.S.) adopted 5-16-84)
 (Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)
 (Amended by Ord. No. 6857 (N.S.) adopted 10-10-84. Opr. 1-1-85)
 (Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)
 (Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)
 (Amended by Ord. No. 7048 (N.S.) adopted 10-09-85)
 (Amended by Ord. No. 7110 (N.S.) adopted 4-02-86)
 (Amended by Ord. No. 7117 (N.S.) adopted 4-23-86)
 (Amended by Ord. No. 7160 (N.S.) adopted 6-18-86)
 (Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)
 (Amended by Ord. No. 7306 (N.S.) adopted 5-20-87)
 (Amended by Ord. No. 7363 (N.S.) adopted 8-19-87)
 (Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)
 (Amended by Ord. No. 7515 (N.S.) adopted 7-13-88)
 (Amended by Ord. No. 7576 (N.S.) adopted 1-11-89)
 (Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)
 (Amended by Ord. No. 7743 (N.S.) adopted 3-28-90)
 (Amended by Ord. No. 7768 (N.S.) adopted 6-13-90)
 (Amended by Ord. No. 7790 (N.S.) adopted 08-01-90. This ordinance will expire on August 31,
 1993, unless extended in connection with GPA 93-02)
 (Amended by Ord. No. 7817 (N.S.) adopted 9-26-90)
 (Amended by Ord. No. 8050 (N.S.) adopted 4-8-92)
 (Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
 (Amended by Ord. No. 8086 (N.S.) adopted 6-16-92)
 (Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)
 (Amended by Ord. No. 8271 (N.S.) adopted 6-30-93)
 (Amended by Ord. No. 8409 (N.S.) adopted 6-1-94)
 (Amended by Ord. No. 8502 (N.S.) adopted 3-1-95)
 (Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)
 (Amended by Ord. No. 8599 (N.S.) adopted 10-11-95)
 (Amended by Ord. No. 8698 (N.S.) adopted 7-17-96)
 (Amended by Ord. No. 8805 (N.S.) adopted 6-4-97)
 (Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)
 (Amended by Ord. No. 9156 (N.S.) adopted 6-14-00)
 (Amended by Ord. No. 9377 (N.S.) adopted 8-8-01)
 (Amended by Ord. No. 9470 (N.S.) adopted 6-12-02)
 (Amended by Ord. No. 9569 (N.S.) adopted 7-9-03)
 (Amended by Ord. No. 9596 (N.S.) adopted 9-17-03)
 (Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)
 (Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)
 (Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

6158 **CIVIC, COMMERCIAL, INDUSTRIAL, OR EXTRACTIVE USE TYPES.**

Accessory structures and uses necessarily and customarily associated with, and appropriate, incidental and subordinate to the principal civic, commercial, industrial or extractive uses shall be permitted where the principal civic, commercial, industrial or extractive uses are permitted. As provided for in Section 6152, the Director shall determine whether proposed accessory uses and structures conform to the Accessory Use Regulations, and said determinations are subject to appeal pursuant to the Administrative Appeal Procedure commencing at Section 7200.

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Civic, Commercial, Industrial, or Extractive Use Types are permitted:

a. **Outdoor Café Seating and Sidewalk Cafés.**

1. **Outdoor Café Seating.** Outdoor café seating accessory to the Eating and Drinking Establishments use type is permitted in the Fallbrook Village Regulations, C32, C34, C35, C36, M50 and M52 use regulations, and outdoor café seating accessory to the Food and Beverage Retail Sales use type is permitted in the Fallbrook Village Regulations, C32, C34, C35, C36 and M50 use regulations, subject to the following conditions:
 - i. The outdoor seating area shall be limited in size as follows:
 - (a) In Eating and Drinking Establishments to no more than 200 square feet or 25 percent of the establishment's indoor floor area, whichever is greater.
 - (b) In Food and Beverage Retail Sales uses (e.g., bakeries, markets, etc.) to no more than 25 percent of the establishment's indoor floor area or 1000 square feet, whichever is less. However, any such Food and Beverage Retail Sales use that otherwise qualifies under Section 6158 a.1. may have an outdoor seating area of 200 square feet.
 - ii. The outdoor seating area shall be located at least 50 feet from areas zoned with the RS, RR, RMH, or A70 use regulations.
 - iii. Required zone setbacks shall be observed. Required parking and parking lot landscaping shall be provided for the outdoor seating area.
 - iv. The outdoor seating area shall not be used as an entertainment area. Sound amplification devices shall be limited to devices that are necessary to provide low-level background music. Noise levels shall comply with the County Noise Ordinance. Any outdoor lighting shall comply with Section 6324 of The Zoning Ordinance.
 - v. If the seating area is proposed within the public right-of-way, then the requirements of Section 6158a.2. below shall also be met.
 - vi. When located in an area subject to the Community Design Review Area Regulations, or other applicable special area regulations, the Site Plan review and all other requirements of those regulations shall apply to outdoor café seating.

- vii. Required Minor Use Permits, where applicable, shall be obtained and shall provide for accessory outdoor seating.
- viii. Outdoor café seating areas located adjacent to pedestrian thoroughfares shall leave a minimum width of eight feet completely open at all times between the outdoor seating area and the edge of the pedestrian thoroughfare to accommodate pedestrian traffic.

Proposed outdoor seating for an Eating and Drinking Establishment or Food and Beverage Retail Sales use type in the Fallbrook Village Regulations, C32, C34, C35, C36 or M50 use regulations or an Eating and Drinking Establishment use type in the M52 use regulations not qualifying under these provisions may apply for a Major Use Permit for an open enclosure pursuant to the Enclosure Regulations found in Section 6816.

2. Sidewalk Cafés Within the Public Right-of-Way. Sidewalk cafés within public right-of-way shall be a permitted accessory use upon issuance of an Administrative Permit provided the conditions listed below in this subsection are complied with. If the sidewalk café is proposed within the commercial and industrial zones listed in Section 6158a.1. above, then the conditions of that section shall also apply.
 - i. The sidewalk café shall be conducted accessory to a legally established Food and Beverage Retail Sales or Eating and Drinking Establishment use type.
 - ii. An encroachment permit for a sidewalk café shall be obtained from the Department of Public Works.
 - iii. The operation of a sidewalk café shall meet applicable requirements of the Department of Environmental Health.
 - iv. Contiguous property owners shall be notified in accordance with paragraph c. of Section 7060.
 - v. The hours of operation shall be limited to the hours of operation of the associated Eating or Drinking Establishment or Food and Beverage Retail Sales use.
 - vi. Notwithstanding Section 6158 a.1., no sound amplification device, musical instrument or sound reproduction device shall be operated or used with a sidewalk cafe within the public right-of-way and any outdoor lighting shall comply with Section 6324.
 - vii. A finding shall be made that the sidewalk cafe will not adversely affect the neighborhood nor be detrimental to persons residing, visiting or working in the area.

- b. Wind Turbine System, Small. A wind turbine system, small shall be permitted as an accessory use in all zones where the Civic, Commercial, Industrial or Extractive use types are permitted provided the system complies with the conditions specified in Section 6156z.
- c. Mobilehome dwelling as a secondary use.
- d. Community Use of Private Schools. Meetings or events shall be permitted as a use accessory to a private school unless otherwise expressly prohibited by a use permit authorizing the private school. Such meetings and events shall meet the following criteria:
 - (1) The meeting or event is conducted by a nonprofit organization from the community or neighborhood area in the vicinity of the school, and
 - (2) Not more than three such meetings or events shall occur within any given week.
 - (3) Hours of operation. No meeting or event shall begin prior to 8:00 a.m. nor continue later than 10:00 p.m. when inside a building or 8:00 p.m. when outside a building.
 - (4) Parking. No onstreet parking shall be utilized, and attendance shall be limited to a number which is accommodated by offstreet parking provided by the private school.
 - (5) Traffic. The meeting or event shall not increase congestion of nearby streets to the extent that normal traffic circulation is significantly impeded.
 - (6) Noise. The meeting or event shall not cause noise in excess of the applicable noise standards contained in the County Code of Regulatory Ordinances.
- e. Recycling of salvaged concrete, asphalt and rock.

It has been recognized by the County of San Diego and the State of California that recycling of materials such as used concrete, asphalt and rock is essential to effective solid waste management and protection of public and private open space from illegal disposal of solid waste. Because of the high priority the public assigns to recycling of these materials, the following special procedure has been created to assist in the expansion of this activity in conjunction with related mining and processing land uses.

Persons having an approved Major Use Permit for a mining and processing land use, or having an established mining and processing land use that is legally nonconforming and located in a zone where it could be permitted by Major Use Permit, as of March 26, 1992, may apply for the Administrative Permit described below, provided the application and required fees have been submitted to the Department of Planning and Land Use not later than March 27, 1997.

In conjunction with mining and processing use types, where rock crushing, asphalt production and/or concrete batching are occurring, recycling and processing of salvaged concrete, asphalt and rock shall be a permitted accessory use upon issuance of an Administrative Permit, pursuant to the following:

1. A plot plan showing existing and proposed operations onsite shall be approved by the Director.
2. All proposed operations shall conform to the restrictions and conditions of the use permit regulating the project site, if one is present, except as otherwise specified herein.
3. No increase in the size of the mining and processing site shall be authorized by this permit.
4. Environmental review of the proposed accessory use shall be required, except that said review may be waived by the Director if it is determined that no additional traffic, noise, stockpiling of materials, or mechanical processing, at the site, is requested.
5. Upon determination pursuant to environmental review of no significant environmental impact, or that such impact(s) will be mitigated to below a level of significance, the following increases or changes in operational limitations may be authorized in connection with the recycling operation:
 - a) Additional average daily one-way truck trips up to 10 percent of the number authorized under the Major Use Permit, or when unspecified in the use permit or when there is no use permit, up to 10 percent of the average daily one-way truck trips of the existing operation;
 - b) Additional onsite stockpiling of material of up to 25 percent of that authorized under the Major Use Permit, or when unspecified in the use permit or when there is no use permit, up to 25 percent of the amount typical to the existing operation; and
 - c) Replacement or additional equipment, only as may be necessary to adapt the existing operation to the recycling function.

Any changes or increases in the existing authorized operations beyond those specified above shall require modification of the existing Major Use Permit or approval of a new Major Use Permit.

- f. A Drop-off Recycling Facility shall be permitted as an accessory use in all zones where Civic, Commercial, Industrial or Extractive Use Types are permitted.

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- g. A Small Recycling Collection Facility shall be permitted as an accessory use in all zones where Civic Use Types are permitted.
- h. Columbarium with Religious Assembly.
 - 1. A Columbarium may be a permitted accessory use to a Religious Assembly Use Type upon approval of a Major Use Permit for the Religious Assembly Use Type and the Columbarium in use regulations where a Major Use Permit is required for the Religious Assembly Use Type.
 - 2. A Columbarium may be a permitted accessory use to a Religious Assembly Use Type upon approval of a Modification of the Major Use Permit that authorized the Religious Assembly Use Type.
 - 3. A Columbarium may be a permitted accessory use to a Religious Assembly Use Type upon issuance of a Minor Use Permit in use regulations where a Religious Assembly Use Type is permitted by right, or by Site Plan approval.

(Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)
(Amended by Ord. No. 6857 (N.S.) adopted 10-10-84. Opr. 1-1-85)
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)
(Amended by Ord. No. 7117 (N.S.) adopted 4-23-86)
(Amended by Ord. No. 7692 (N.S.) adopted 11-29-89)
(Amended by Ord. No. 8034 (N.S.) adopted 2-26-92)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 8185 (N.S.) adopted 12-16-92)
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)
(Amended by Ord. No. 9013 (N.S.) adopted 3-17-99)
(Amended by Ord. No. 9151 (N.S.) adopted 5-10-00)
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

6160 MANUFACTURING AND INDUSTRIAL ZONES.

Single-family dwellings or a single mobilehome shall be permitted as follows in zones subject to the M50, M52, M54, M58, and S82 Use Regulations:

- a. Caretaker or Superintendent. On a lot or building site with a permitted industrial use, and occupied exclusively by a caretaker or superintendent of such industrial use and his family; or
- b. Farm Owner or Operator. On a lot or building site having a net area of at least 5 acres which is being farmed, and occupied exclusively by the owner or operator thereof; or
- c. Kennel Owner or Operator. On a lot or building site with a kennel, and occupied exclusively by the owner or operator thereof and his family.

6162 CARGO CONTAINERS.

- a. No cargo container shall be allowed in any area designated as a Historic/Archaeological Landmark or District or an area designated as a Special Historic District, except as provided in Section d and e below.

- s. One sign not exceeding 32 square feet offering premises for sale or lease, shall be permitted along each frontage, except that for any frontage in excess of 500 feet, a sign not exceeding 64 square feet shall be permitted. No sign shall exceed a height of 12 feet. In residential zones, such signs are limited to 4 square feet in area and a maximum height of 6 feet.
- t. Temporary construction site signs, provided that all of the following conditions hold:
 - 1. One nonilluminated sign having a total area of not more than 160 square feet shall be permitted along each frontage; except that 2 such signs may be placed along a frontage having a length in excess of 500 feet.
 - 2. Such signs may be either freestanding or wall signs or may be mounted on a temporary construction fence, and shall be permitted only for the duration of the construction with which associated. Such signs will not be subject to the regulations applicable to freestanding signs or wall signs.
 - 3. Such signs may not exceed a height of 20 feet.
- u. One sign up to 12 square feet in area for a permitted roadside sales stand or a boutique winery identifying and advertising agricultural products produced on the premises.
- v. One identification sign up to 20 square feet identifying a residential development, multiple dwellings, clubs and similar uses on each street frontage affording primary access to the site.
- w. Identification signs up to a total of 40 square feet identifying hotels, motels, hospitals, parking garages, institutions of religious, educational, philanthropic or charitable nature, and resort service uses subject to the Resort Services Regulations at Section 6400.
- x. For any use type allowed by the granting of a major use permit, placement, number, and size of on-premise signs shall be determined by the conditions of approval of the major use permit.
- y. Signs for recycling facilities provided that all of the following conditions hold:
 - 1. Recycling facilities may have identification signs with a maximum area of 20 percent of each receptacle side or 16 square feet, whichever is smaller. In the case of a wheeled receptacle, the side shall be measured from the pavement to the top of the receptacle;
 - 2. Directional signs, bearing no advertising message, may be installed with the approval of the Director if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of way;

3. The Director may authorize increases in the number and size of signs upon finding that such increases are compatible with adjacent businesses.
- z. In each instance and under the same conditions as this chapter permits any sign, a sign containing an ideological, political or other non-commercial message and constructed to the same physical dimensions and characteristic shall be permitted.

(Amended by Ord. No. 6389 (N.S.) adopted 7-7-82)
 (Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)
 (Amended by Ord. No. 6691 (N.S.) adopted 11-30-83)
 (Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)
 (Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)
 (Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
 (Amended by Ord. No. 9472 (N.S.) adopted 5-12-02)
 (Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

6259 PORTABLE ON-PREMISE SIGNS PROHIBITED.
 Portable on-premise signs shall be prohibited.

6261 ON-PREMISE SIGNS REGULATED.
 Except for the signs specified in Sections 6252, 6259, 6268 and 6269, on- premise signs may be erected, constructed, placed, created by painting, structurally altered, relocated or maintained provided that a building permit has been issued subject to the following provisions:

- a. Permitted Locations. On-premise signs may be placed in the following locations, unless prohibited:
 1. On premises subject to the C34, C35, C36, C37, C38, C40, C42, C44, M50, M52, M54, and M58 Use Regulations.
 2. On premises upon which a commercial or industrial use type legally exists subject to the S87 Use Regulations.
 3. On premises in any zone where a nonconforming commercial or industrial use type exists.
 4. Fallbrook Village Zones.
- b. Restricted Locations. Locations subject to Special Area Regulations and to use permits shall be additionally subject to the following limitations:
 1. On-premise signs are permitted in zones subject to the Scenic Area Regulations or Historic/Archaeological Landmark and District Area Regulations in accordance with an approved Site Plan. The aggregate area of all signs for any premises shall not exceed one square foot for each linear foot of street frontage. The aggregate sign area for each establishment shall not exceed one square foot for each linear foot of building. No establishment shall have an aggregate sign area greater than 100 square feet.

RECREATIONAL VEHICLE PARK REGULATIONS

6450 TITLE AND PURPOSE.

The provisions of Section 6450 through 6499, inclusive, shall be known as the Recreational Vehicle Park Regulations. The purpose of these regulations is to ensure that recreational vehicle parks meet minimum standards of habitability and do not adversely impact on surrounding property.

6452 APPLICATION.

These regulations shall apply to all uses classified in the Transient Habitation: Campground Use Types. Nothing herein contained shall be deemed to relieve the owner or operator of a recreational vehicle park of the duty of complying with all applicable state laws and regulations.

6454 MATERIAL SUBMITTED FOR USE PERMIT.

In complying with Section 7354.b.2 of the Use Permit Procedure, the applicant shall submit such documents as are required by the approving authority to determine compliance with Section 6456 and Section 6458 of these regulations.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

6456 GENERAL STANDARDS.

- a. Location. Recreational vehicle parks shall be established for the convenience of the travelling public and shall be located in areas with convenient access to a County road.
- b. Minimum Site Area. Recreational vehicle parks shall be located on a parcel of land not less than 3 acres in area.
- c. Density of Occupation. Occupancy of campground spaces within recreational vehicle parks is limited to one recreational vehicle or 2 tents in each campground space.
- d. Limitations. Length of occupancy of campground spaces shall be regulated as follows:
 1. Persons occupying vehicles with total hook-up capacity, including sewer, water and electricity, shall not occupy any campground space in a recreational vehicle park for a period exceeding 90 days in any 12 month period, nor shall the cumulative occupancy by such persons of different campground spaces anywhere in the facility exceed a total of 90 days in any 12 month period. However, a different occupancy limitation may be specified as a condition of approval of a Use Permit. If no occupancy limitation is specified in an approved Use Permit for a recreational vehicle park that was approved prior to October 20, 1995, there shall be no occupancy limitation in such a park for persons occupying vehicles with total hook-up capacity.

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2. Persons occupying tents or vehicles with less than total hook- up capacity shall not occupy any campground space in a recreational vehicle park for a period exceeding 30 days in any 12 month period, nor shall the cumulative occupancy by such persons of different campground spaces anywhere in the facility exceed a total of 30 days in any 12 month period.
3. The recreational vehicle park manager shall reside continuously in the recreational vehicle park on a campground space or in a permanent dwelling unit. The park manager shall maintain a log of the names of persons and dates of occupancy of campground spaces. The log shall be made available to a codes enforcement officer if a question arises as to compliance with these occupancy limitations.

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)

(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

6458 DEVELOPMENT CRITERIA.

- a. Perimeter. The recreational vehicle park shall be designed and developed in a manner compatible with and complimentary to existing and potential development in the immediate vicinity of the project site. Site planning on the perimeter shall give consideration to protection of the property from adverse environmental influences within the development, especially drainage problems or potential insect breeding sites. Further consideration shall be given to ensuring the protection of surrounding areas from potentially adverse effects on the development.
- b. Fences and Wall. Each recreational vehicle park shall be entirely enclosed at its exterior boundaries by appropriate decorative screening or landscaping material; provided, however, that said screen when located within a front yard shall be constructed at or behind the required setback.
- c. Park Setbacks. The setbacks prescribed by the applicable zone shall apply to recreational vehicle parks except where the following are more restrictive:
 1. A 10-foot setback from the street right-of-way along a side street.
 2. A 15-foot front yard setback from the street right-of-way.
- d. Minimum Campground Space Dimensions. Each campground space within a recreational vehicle park shall be not less than 1,000 square feet in area, except that 50 percent of said spaces may be not less than 650 square feet in area for the accommodation of tents and small camping units only.
- e. Individual Campground Space Setbacks.
 1. Each recreation vehicle or tent occupying a campground space and all accessory buildings shall maintain a 6-foot setback from any building, or other travel trailer, recreational vehicle or tent, pursuant to regulations contained in Title 25 of the California Administrative Code.

8. The Director may waive the roof pitch and eave requirement for attached accessory portions of the structure such as carports, porches, or similar canopy structures not enclosed by solid walls. Roof parapet walls are not required for such canopy structures.
 9. The Director may waive the roof pitch and/or the roof overhang requirement if the roof for the main structure is concealed from view by parapet walls consistent with a commonly recognized architectural style such as Santa Fe or Mission style.
- c. Building Permit. Prior to installation of a mobilehome on a permanent foundation system, the mobilehome owner or a licensed contractor shall obtain a building permit from the Department of Planning and Land Use. To obtain such a permit, the owner or contractor shall comply with all requirements of Section 18551(a) of the Health and Safety Code.
 - d. Cancellation of Registration. The owner shall comply with the regulations established pursuant to Section 18551(b) of the Health and Safety Code for cancellation of registration of a mobilehome. The owner shall also comply with the provisions of Section 18550(b) of the Health and Safety Code.
 - e. Approval for Occupancy. The Director shall determine that the proposed project is in compliance with all applicable requirements and conditions prior to issuing final approval for occupancy.
 - f. Modification of Requirements. Unless otherwise specified, no modification may be granted from these requirements or from the requirements specified in Title 25 of the California Administrative Code which are not subject to local modification.

(Added by Ord. No. 6215 (N.S.) adopted 1-13-82)
 (Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)
 (Amended by Ord. No. 6865 (N.S.) adopted 11-07-84)
 (Amended by Ord. No. 7935 (N.S.) adopted 6-19-91)
 (Amended by Ord. No. 8232 (N.S.) adopted 5-5-93)
 (Amended by Ord. No. 8555 (N.S.) adopted 7-14-95)
 (Amended by Ord. No. 8962 (N.S.) adopted 9-23-98)

6510

Standard Mobilehome Park Regulations

6510 APPLICATION.

The provisions of Section 6510 through 6529, inclusive, shall be known as the Standard Mobilehome Park Regulations. These provisions shall apply to all uses classified in the Mobilehome Residential Use Type, except those uses permitted pursuant to the Mini-Mobilehome Park Regulations commencing at Section 6530 or the Planned Development Standards commencing at Section 6600.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

6512 USE PERMIT REQUIRED.

A standard mobilehome park may be authorized where permitted by the use regulations upon the issuance of a major use permit as provided by the Use Permit Procedure commencing at Section 7350.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

6514 PRE-APPLICATION CONFERENCE.

Prior to submitting an application for a use permit for a mobilehome park, a prospective applicant should consult with the Department to obtain information and to inform the Department of the applicant's intentions. If requested by the applicant, the Department will schedule a conference to be attended by the applicant and representatives of the Departments of Planning, Public Works, Environmental Health, and other agencies as the Department considers necessary. Such a conference shall provide an opportunity to review the applicant's intended plan, and identify potential requirements or subjects requiring particular attention prior to the applicant entering into binding commitments or incurring substantial expense in preparing plans, surveys, and other data. The applicant shall provide a map showing the proposed mobilehome park site, existing topography, adjoining road rights-of-way, and public access. If such application is for a mobilehome park, to be filed pursuant to Regional Land Use Element Policy 3.8, staff shall familiarize the applicant with Board of Supervisor's Policy No. I-102, "Threshold Decision Procedure For a Major Use Permit To Be Submitted Pursuant To Regional Land Use Element Policy 3.8."

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

The applicant shall provide a map showing the proposed mobilehome park site, existing topography adjoining road rights-of-way, and public access. If such application is for a mobilehome park, to be filed pursuant to Regional Land Use Element Policy 3.8, staff shall familiarize the applicant with Board of Supervisor's Policy No. I-102 "Threshold Decision Procedure For a Major Use Permit To Be Submitted Pursuant To Regional Land Use Element Policy 3.8".

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)
 (Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)
 (Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)
 (Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)
 (Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

6536 GENERAL STANDARDS: MINI-MOBILEHOME PARKS.

- a. Density. A mini-mobilehome park shall conform to the applicable Density Regulations commencing at Section 4100.
- b. Reclassification. Prior to occupancy of any mini-mobilehome park, the owner shall obtain a zone reclassification to a zone which includes the RMH Use Regulations and the "A" Building Designator. Such reclassification requirement may be waived by the Director when a mobilehome subdivision application is filed concurrently with the related use permit application or for mobilehome parks approved pursuant to Policy 3.8 of the Land Use Element of the General Plan or for a mini-mobilehome park with less than nine units.
- c. Factory-Built Housing. Factory-built housing shall be attached to a permanent foundation system and conform to all other requirements of Section 18611 of the Health and Safety Code.

(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)
 (Amended by Ord. No. 6372 (N.S.) adopted 6-09-82)
 (Amended by Ord. No. 6432 (N.S.) adopted 8-25-82)

6538 GENERAL DEVELOPMENT CRITERIA: MINI-MOBILEHOME PARKS.

- a. Compatibility with Adjacent Land Uses. A mini-mobilehome park shall be designed and developed in a manner compatible with and complementary to existing and potential residential development in the immediate vicinity of the project site. To achieve this purpose, a Minor Use Permit for a mobilehome park with less than nine units, conditioned to meet the requirements for exterior siding and roofing materials and eave overhangs specified in Section 6506 b. for mobilehomes on private lots, may be approved by the Director except that no permanent foundation system shall be required. Site planning on the perimeter shall give consideration to protection of the property and its residents from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences within the development. A mobilehome park shall relate harmoniously to the topography of its site, make suitable provision for preservation of water courses, wooded areas, rough terrain, and similar natural features and areas, and shall otherwise be so designed as to use such natural features and amenities to best advantage.

- b. Setbacks: Perimeter. Mobilehomes and buildings within a mini- mobilehome park shall maintain the following setbacks:
 - 1. The setbacks established by the applicable Setback Regulations.
 - 2. A side yard and rear yard setback of at least 15 feet from the exterior boundary of the mobilehome park except that this requirement shall not apply to a mini-mobilehome park of less than nine units.
 - 3. A setback of 50 feet from the centerline of any street along the exterior boundary of the mobilehome park, except that when such street has a right-of-way greater than 60 feet, a setback of 20 feet shall be maintained from the nearest edge of the street right-of-way.
- c. Fencing and Landscaping. Mini-mobilehome parks shall conform to the Fencing and Landscaping Regulations commencing at Section 6700. The Director may specify different requirements for a mini-mobilehome park with less than nine units.
- d. Interior Access Drive. Interior private access drives shall be paved with at least 2 inches of asphaltic concrete to a width of not less than 25 feet. All corners shall have a minimum 25 foot radius. The Director may approve other paving material for a mini-mobilehome park with less than nine units.
- e. Sewer and Water. Each mobilehome lot in a mobilehome park shall be provided with water and sewer connections in accordance with Title 25 of the California Administrative Code. Water shall be provided by a water supplier having a valid permit from the California Department of Health Services. Public sewers shall be provided by a public agency which has obtained discharge requirements approved by the appropriate California Water Quality Control Board. Individual sewage disposal systems shall be approved by the Department of Environmental Health.

EXTRACTIVE USE REGULATIONS

6550 TITLE AND PURPOSE.

The provisions of Section 6550 through Section 6559, inclusive, shall be known as the Extractive Use Regulations. The purpose of these regulations is to provide the means for public review and regulation of mineral extraction and associated on-site processing operations.

(Amended by Ord. No. 5781 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 8034 (N.S.) adopted 2-26-92)

6552 APPLICATION.

The Extractive Use Regulations shall apply in all zones permitting activities for the extraction of any naturally occurring chemical element or compound, or groups of elements and compounds, including but not limited to coal, peat, sand, and gravel but excluding geothermal resources, natural gas, and petroleum. Such zones also permit on-site processing and production of non-metallic mineral products, and recycling of used concrete, asphalt or rock, where sited with the following non-metallic mineral processing operations: rock crushing, asphalt pavement production, and concrete batching. Such recycling is not permitted where sand processing is the only processing use occurring.

(Amended by Ord. No. 8034 (N.S.) adopted 2-26-92)

6554 REQUIRED PERMIT.

No person shall conduct the activities described in Section 6552 without first obtaining a Major Use Permit as provided by the Use Permit Procedure commencing at Section 7350.

(Amended by Ord. No. 8034 (N.S.) adopted 2-26-92)

6556 REQUIRED RECLAMATION PLAN.

No application for a Major Use Permit for mineral extraction shall be accepted for filing unless accompanied by an "Application for Reclamation Plan" as provided and described in the County Grading Ordinance. The decision to grant or deny the proposed Reclamation Plan shall be made at the same time as the decision to grant or deny the proposed Major Use Permit for the same project. Pursuant to the granting of the Major Use Permit, the permittee shall comply with all provisions and requirements of the Reclamation Plan in the conduct of mineral extraction activities and in the rehabilitation of the mining site.

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

6557 EXCEPTIONS TO USE REGULATIONS

The Extractive Use Regulations shall not apply to the removal of soil, sand, gravel, decomposed granite or rock under any of the following circumstances:

- a. The removal is part of the grading of land done in accordance with a grading plan for a subdivision map or a division of such land created pursuant to a parcel map filed in accordance with Division 2 of Title 8 of the San Diego County Code, and the grading plan has been approved by the Director of Public Works as being reasonably necessary and incidental to the development and improvement of the premises in accordance with the final map or parcel map and the grading will be completed within one year of commencement of the grading.

- b. The removal is part of the grading of land in accordance with a grading plan to prepare a site for a building or structure for which plans have been checked and approved by the Director pursuant to Division 1 of Title 5 of the San Diego County Code, and the grading plan has been approved by the Director of Public Works or Director as being reasonably necessary and incidental to the construction of such building or structure, and the grading will be completed within one year of commencement of the grading.
- c. The removal is part of the grading of land in accordance with a grading plan to prepare a site for vehicle parking areas or similar areas, and the grading plan has been approved by the Director of Public Works or Director as being reasonably necessary and incidental to the development of the area.
- d. The removal is part of the grading of land in accordance with a grading plan approved by the Director as being reasonably necessary and incidental to the use of the premises in accordance with a use permit issued pursuant to the Zoning Ordinance.
- e. Less than 200 cubic yards will be removed.
- f. The Director of Public Works and Director concur that the proposed grading is reasonably necessary to provide material exclusively for a specific County project authorized by the Board of Supervisors. That determination shall be made only after the Director of Public Works and Director have reviewed grading plans for the site from which the material is to be removed, grading plans or public road improvement plans for the site where that material is to be placed, and any contracts or agreements executed by the County for such grading.
- g. To extract and export from a watercourse 500 or more cubic yards to repair flood damage to the watercourse in accordance with San Diego County Code, section 87.601 et seq. for which an emergency watercourse permit is issued by the Director of Public Works or the Board of Supervisors.
- h. During the grading of land to prepare a site for development pursuant to an Administrative Permit approved by the Director, provided:
 - 1. The legal lot from which the material is removed is in a commercial or industrial zone;
 - 2. The sale of any material removed is secondary to the preparation of the site;
 - 3. The on-site processing of any material to be removed is prohibited;
 - 4. The removal and grading is done in accordance with an approved grading plan; and
 - 5. The removal and grading will not have a significant detrimental effect on the site or surrounding area.

(Added by Ord. No. 9958 (N.S.) adopted 12-10-08)

- ii. The structure will not be detrimental to surrounding properties or improvements.
- 3. Lighting. The Director may approve an administrative permit granting an exception to the applicable criteria otherwise specified in this Section for lighting provided a finding is made that said lighting will be compatible with the community character and will not have a harmful effect upon the neighborhood.
- i. Administrative Exceptions for Additional Fence or Wall Height. An administrative exception for fence heights up to 7 feet 6 inches in interior side yard setbacks or in rear yard setbacks not abutting a street, private thoroughfare, or alley, may be granted provided the following requirements are met:
 - 1. Written consent is obtained for the proposed additional fence height, and submitted to the Department (on a form satisfactory to the Department), from all owners of contiguous property (including owners of parcels or lots across any street or alley from the site proposed for fencing).
 - 2. An application form shall be submitted and a processing/record-keeping fee shall be collected at the time an administrative exception for additional fence height is requested, pursuant to the fee referenced in Section 7602.

Any decision by the Director pursuant to this section shall be final.
- j. Open Fences With Razor Wire or Barbed Wire at Top - Calculation of Fence Height. Where open fences 72 inches in height or greater are permitted, razor wire and barbed wire attached to support elements extending from the top of an open fence at an angle from the vertical are permitted except where said razor wire and barbed wire are not permitted in Subsection b.2. of this Section. The portion of the fence consisting of razor wire or barbed wire attached to support elements extending from the top of an open fence at an angle from the vertical, shall not be used in calculating the height of such a fence provided the vertical height of said razor wire and/or barbed wire shall not exceed 2 feet.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
 (Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)
 (Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
 (Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)
 (Amended by Ord. No. 7576 (N.S.) adopted 1-11-89)
 (Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)
 (Amended by Ord. No. 8246 (N.S.) adopted 5-19-93)
 (Amended by Ord. No. 8425 (N.S.) adopted 7-13-94)
 (Amended by Ord. No. 8599 (N.S.) adopted 10-11-95)
 (Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)
 (Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

6712 STANDARDS APPLICABLE TO REQUIRED LANDSCAPING.

All landscaping required by these regulations shall meet the following standards and the requirements set forth in a Water Conservation and Landscape Design Manual prepared by the Director and approved by the Board of Supervisors:

- a. **Materials for Landscaping.** Landscaping shall include the planting and maintenance of some combination of trees, ground cover, shrubs, vines, flowers, or turf varieties with the plant materials consisting of native species and/or drought resistant plant materials. Nothing in this ordinance shall be construed as to require or limit the amount of specific tree, shrub, vine or ground cover species at any time. In addition, when appropriate for the site and intended use, the landscaping may include natural features such as rock and stone, non-drought-resistant plant materials, and structural features including but not limited to fountains, reflecting pools, art work, screens, walls and fences.
- b. **Timing and Maintenance.** All required plantings shall be in place prior to use or occupancy of new buildings or structures. All required plantings shall be maintained in good growing condition, and whenever necessary, shall be replaced with similar plant materials to ensure continued compliance with applicable landscaping, buffering, and screening requirements. All landscaping shall be properly maintained and irrigation systems shall be maintained in good working order.
- c. **Prescribed Heights.** When plant materials are used to satisfy screening requirements, planting shall be spaced to ensure 100 percent screening within two years of installation. All landscaping shall be properly maintained and irrigation systems shall be maintained in good working order.
- d. **Water Conservation and Landscape Design Manual.** The design, dimensions, preparation, construction, piping specifications, planting, and irrigation of landscaped spaces, and/or hardscape spaces shall conform to the requirements of the Water Conservation and Landscape Design Manual. The Director may administratively waive or modify one or more such requirements when practical difficulties make their strict application infeasible, and upon a determination that the waiver or modification is consistent with the purpose and intent of the Water Conservation and Landscape Design Manual and this section. In case of conflict between the landscaping requirements of the Offstreet Parking Design Manual and Water Conservation and Landscape Design Manual, the requirements of the Water Conservation and Landscape Design Manual shall prevail. The Director shall submit any amendments to the Water Conservation and Landscape Design Manual to the Planning Commission for its review and comment prior to transmitting them to the Board of Supervisors.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 7735 (N.S.) adopted 3-13-90)

(Amended by Ord. No. 7919 (N.S.) adopted 6-11-91)

6713 WHO MAY PREPARE REQUIRED LANDSCAPE PLANS.

Where landscape plans, including planting, irrigation, and water management plans, are required by the County, they shall be prepared by a California licensed landscape architect, registered civil engineer, architect or landscape contractor to the extent that his or her license allows.

a. Plans prepared by Landscape Architects.

1. Landscape plans, other than concept plans, prepared by a California licensed landscape architect shall include a signed statement of compliance (on all plan sheets) by the landscape architect. It shall state that the plans conform to accepted landscape architectural standards of practice and that they comply with the most current version of the following:
 - i. Zoning Ordinance landscaping requirements of Section 6712 et seq.;
 - ii. San Diego County Building, Electrical, and Plumbing Codes;
 - iii. San Diego County Landscape Water Conservation Design Manual, Applicant's Guide to Landscape Plans, and Landscape Water Management Plan Information Packet;
 - iv. San Diego County Regional Standard Drawings for irrigation and landscaping (Chapters I and L), or equal; and the
 - v. San Diego County Offstreet Parking Design Manual.

Landscape plans having this signed statement of compliance will not be subject to plan check by the Department for the items listed in this subsection. The required compliance statement is as follows:

"I find that this sheet conforms to accepted landscape architectural standards of practice and is in compliance with the requirements listed in Section 6713a.1.(i. through v.) of the San Diego County Zoning Ordinance."

Notwithstanding the previous paragraph, the Department may monitor the adequacy of landscape plans and require corrections if needed. An hourly review fee may be imposed for County work rendered relating to necessary corrections on these items pursuant to San Diego County Administrative Code Section 362 (the fee ordinance).

2. Landscape plans prepared by a licensed landscape architect shall be submitted for a limited plan check by the Department if any of the following types of requirements relating to landscaping are applicable to said plans:

- i. Discretionary permit and/or subdivision map conditions or design requirements (including concept landscape plans);
- ii. California Environmental Quality Act mitigation measures;
- iii. San Diego County Community Design Guidelines; and
- iv. San Diego County Code, Excavation and Grading, planting and irrigation requirements (portion of Title 8, Division 7, Chapter 4);

An hourly review fee (pursuant to the fee ordinance) will be collected for this limited plan check.

- b. Plans prepared by Civil Engineers, Architects or Landscape Contractors. Landscape plans prepared by a civil engineer, architect or landscape contractor (to the extent that their license allows) shall be submitted for plan check by the Department with the required plan check fee.
- c. Noncompliance by Licensed Landscape Architects. A public record may be maintained by the Department of licensed landscape architects whose landscape plans fail to comply with the requirements of subsection a.1. above. Placement on the public record shall be for a period of 5 years. Landscape plans submitted by landscape architects listed on the record shall be required to undergo a complete plan check by the Department pursuant to subsection b. above.

Landscape architects being considered for placement on this public record shall be notified in writing of the alleged noncompliance with the requirements of subsection a.1. The landscape architect shall be given an opportunity to provide a written explanation of the alleged noncompliance to, and to meet with, the Director prior to a decision being made on whether to place the landscape architect on the public record. The Director's decision may be appealed to the Planning Commission pursuant to the Administrative Appeal Procedure commencing at Section 7200. The Department may also file a complaint with the State licensing board if the landscape plans of a landscape architect fail to comply with the requirements of subsection a. above.

(Added by Ord. No. 8924 (N.S.) adopted 6-17-98)

ENCLOSURE REGULATIONS

6800 TITLE AND PURPOSE.

The provisions of Section 6800 through 6849, inclusive, shall be known as the Enclosure Regulations. The purpose of these provisions is to set forth the type of enclosure, if any, of buildings, other structures or areas used for the purpose of accommodating various uses, including accessory uses. The intent is to vary the enclosure according to the use type carried on within and the use regulations where located.

6810 APPLICATION.

The provisions shall apply for all use designators and to all use types except residential and extractive and their accessory uses, except that they shall not apply to planned developments unless otherwise provided. In any case of conflict with the Supplemental Limitations on Uses at Section 2980, the provisions requiring the greater degree of enclosure shall apply.

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

6812 TERMS DEFINED.

The types of enclosures are defined in the Definitions commencing at Section 1100.

6814 EXCEPTIONS TO ENCLOSURE MATRIX.

- a. Exception for Barns and Greenhouses. Whenever the open enclosure is permitted by right for agricultural use types, enclosed and semi- enclosed barns and greenhouses necessary to carry on, and accessory to, the use in the open enclosure also are permitted.
- b. Exception for Parking. The Automotive and Equipment: Parking use type is exempt from the enclosure regulations.
- c. Other Exceptions. Notwithstanding the provisions of the Enclosure Matrix (Section 6816), semi-enclosed and open enclosures are permitted for the following uses in the zones including the following Use or Special Area Regulations.

C32: Eating and Drinking Establishments and Food and Beverage Retail Sales (only accessory outdoor cafés that comply with Section 6158 a.1.)

C34: Agricultural and Horticultural Sales (Plant Nursery Only)
 Eating and Drinking Establishments and Food and Beverage Retail Sales (only accessory outdoor cafés that comply with Section 6158 a.1.)
 Gasoline Sales (providing that the use complies with Section 2980 - Limitation 12)
 Retail Sales: Specialty (flower kiosks only)

- C35: Agricultural and Horticultural Sales (Plant Nursery Only)
 Eating and Drinking Establishments and Food and Beverage Retail
 Sales (only accessory outdoor cafés that comply with Section 6158
 a.1.)
 Gasoline Sales (providing that the use complies with Section 2980 -
 Limitation 12)
 Retail Sales: Specialty (flower kiosks only)
- C36: Agricultural and Horticultural Sales (Plant Nursery Only)
 Automotive and Equipment: Sales/Rentals, Light Equipment (providing
 that the use complies with Sections 6787.c and 6793.a and c.)
 Eating and Drinking Establishments and Food and Beverage Retail
 Sales (only accessory outdoor cafés that comply with Section 6158
 a.1.)
 Food and Beverage Retail Sales (when conducted from a food sales
 push cart)
 Gasoline Sales (providing that the use complies with Section 2980 -
 Limitation 12)
 Retail Sales: Specialty (flower kiosks only and all other uses when
 conducted in a civic plaza)
- C37: Retail Sales: Specialty (flower kiosks only)
- C40: Retail Sales: Specialty (flower kiosks only)
- C42: Retail Sales: Specialty (flower kiosks only)
- C44: Gasoline Sales (providing that the use complies with Section 2980 -
 Limitation 12)
- M50: Eating and Drinking Establishments and Food and Beverage Retail Sales
 (only accessory outdoor cafés that comply with Section 6158 a.1.,
 provided that the Minor Use Permit required by Section 2504 b. is
 obtained or amended.)
- M52: Eating and Drinking Establishments (only accessory outdoor cafés that
 comply with Section 6158 a.1., provided that the Minor Use Permit
 required by Section 2524 b. is obtained or amended.)
 Gasoline Sales (providing that the use complies with Section 2980 -
 Limitation 12)
- Scenic Areas: Agricultural and Horticultural Sales (Plant Nursery Only)
 Automotive and Equipment: Sales/Rentals, Light Equipment (providing
 that the use complies with Section 6787.c)
 Food and Beverage Retail Sales (when conducted from a food sales
 push cart)
 Gasoline Sales (providing that the use complies with Section 2980 -
 Limitation 12)
 Retail Sales: Specialty (flower kiosks only)

- d. Exception for Recycling Collection Facility. The Recycling Collection Facility, Small and Large use types are exempt from the enclosure regulations
- e. Exception for the Fallbrook Village Zones. The enclosure regulations and the exceptions to the enclosure regulations are specified in the Site Development Regulations for each Fallbrook Village Zone.
- f. Open storage of boats and / or recreational vehicles may be permitted as an accessory use in connection with issuance of a major use permit for a Mini-warehouse.
- g. Exception for Certified Farmers' Market. The Certified Farmers' Market Temporary Use type is exempt from the enclosure regulations.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
 (Amended by Ord. No. 5549 (N.S.) adopted 6-29-79)
 (Amended by Ord. No. 5809 (N.S.) adopted 6-18-80, operative 9-1-80)
 (Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)
 (Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)
 (Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)
 (Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)
 (Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)
 (Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
 (Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)
 (Amended by Ord. No. 9013 (N.S.) adopted 3-17-99)
 (Amended by Ord. No. 9260 (N.S.) adopted 12-10-03)
 (Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)
 (Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)
 (Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

6816

6816 ENCLOSURE MATRIX.

The enclosures which are permitted, permitted subject to a Minor Use Permit, permitted subject to a Major Use Permit, permitted subject to an Administrative Permit, and permitted subject to a Site Plan are set forth in the Enclosure Matrix. This matrix and Limitations 8, 9 and 12 of Section 2980 are incorporated into this Section and all references to this Section shall include references to them.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 5809 (N.S.) adopted 6-18-80)

(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)

(ENCLOSURE MATRIX)

(Last amended by Ord. No. 7740 (N.S.) adopted 3-28-90.

3. Specifications for the mechanisms and techniques to be used in the suppression of odors, air contaminants and flies at all times before, during and after the processing operation.
- e. Director of Environmental Health Review. The Director of Environmental Health shall review all applications and make recommendations thereon, including recommendations as to conditions deemed necessary to assure adequate suppression of odors, air contaminants, flies and other hazards of the public health.
- f. Water Quality Control Board Review. The Director shall send a copy of each application to the appropriate California Regional Water Quality Control Board for information and, if said Board so elects, for recommendation to the Approving Authority.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

(Amended by Ord. No. 8292 (N.S.) adopted 8-4-93)

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

6903 LOT LINE LOCATIONS

Lot lines shall not be relocated so as to do any of the following:

- a. Impair any legal access or create a need for new access to any adjacent lots or parcels.
- b. Impair any existing easements, create a need for any new easements serving any adjacent lots or parcels or cause any of the lots or parcels involved to be without safe and adequate access.
- c. Require substantial alteration of any existing public improvement or create a need for any new public improvements, unless approval is given by the Director, Department of Public Works.
- d. Adjust the boundary between lots or parcels for which a Covenant of Improvement Requirements has been recorded and all required improvements stated therein have not been completed unless the Director determines the proposed boundary adjustment will not significantly affect said Covenant of Improvement Requirements.
- e. Include any lots or parcels, which in the Director's judgment, based on design, size, or specification of the original document creating the parcel, were not intended as a building site.
- f. Negate any condition imposed or finding made in the original action or actions that created any or all of the lots involved in any such relocation of a lot line.
- g. Negate any action or measure imposed to mitigate environmental impacts at the time any or all of the lots involved in any such relocation of a lot line were created.

- h. Result in any lot or lots which utilize or propose to utilize an individual sewage disposal system, unless said lot or lots have been certified by the Director of Environmental Health as being approved for the installation of a sewage disposal system in accordance with the Septic Tank Ordinance, said certification to be dated no earlier than one year prior to the filing of said request for relocation of lot line(s). The Director of Environmental Health may exempt a boundary adjustment lot(s) from certification when the lot line changes will not impact the ability of the lot(s) to utilize an individual sewage disposal system.
- i. Result in any increase in noncompliance to the lot design requirements specified in Section 81.401 of the County Subdivision Ordinance.
- j. Result in any lot or lots which do not comply with all applicable zoning regulations, except that in the case of a lot or lots which did not conform to zoning regulations prior to the lot line relocation, the relocation may be approved if it does not result in any greater degree of nonconformity.
- k. Include any area determined by the Director of Public Works to be subject to flooding or inundation unless the limits of said area are delineated by a distinctive boundary line, clearly labeled, with an appropriate note stating said area is subject to flooding or inundation.
- l. Where the Director has made the determination referred to in Section 67.711 of the San Diego County Code, lot lines may not be relocated so as to result in lots zoned for residential use that are smaller than the minimum parcel sizes set forth in San Diego County Code Section 67.722.A (within the San Diego County Groundwater Ordinance), except that an existing parcel smaller than the applicable minimum parcel size set forth in said Section 67.722.A need not be made to conform to the minimum, so long as it is not further reduced in size by the Adjustment Plat.
- m. Include all or any portion of a lot that was created without a parcel map under Government Code Section 66428(a)(2).

(Added by Ord. No. 7178 (N.S.) adopted 8-6-86)

(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)

(Amended by Ord. No. 9826 (N.S.) adopted 01-31-07)

(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

shall display a notice stating that no material shall be left outside the recycling containers;

14. Signs shall comply with the On-Premise Sign Regulations. In addition, facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation;
15. Air contaminants including but not limited to smoke, charred paper, dust, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any emissions that endanger human health, cause damage to vegetation or property or cause soiling, vibration or noise above levels allowed by the Performance Standards commencing at Section 6300, shall not be permitted.
16. Incidental sale of products produced from recycled material is allowed on-site.

b. Recycling Processing Facility, Heavy

1. In a C37, C38 or C40 Commercial Zone or M54 or M58 Industrial Zone upon meeting the criteria for a light recycling processing facility as set forth above in this section commencing at subsection a.2.;
2. In any other Commercial or Industrial Zone upon the issuance of a Major Use Permit. The conditions of said Major Use Permit shall require compliance with the criteria for a light recycling processing facility as set forth above in this section commencing at subsection a.2. as well as any others necessary in order to make the findings required for the granting of a Major Use Permit.

c. Recycling Processing Facility, Wood and Green Materials

1. A facility devoted exclusively to the processing (not including composting) of wood and green materials is considered a General Industrial Use Type, and as such, shall be conducted in accordance with the regulations applicable to said Use Type except that a Wood and Green Materials Recycling Processing Facility may be permitted in an Agricultural or Special Purpose Zone upon issuance of a Minor Use Permit. The conditions of said Minor Use Permit shall require compliance with the criteria for a light recycling processing facility as set forth above in this section commencing at subsection a.2., except for the requirements of subsection a.4 relating to size and scope of operation; subsection a.6. relating to storage within containers; and, subsection a.10. relating to noise level limits. The conditions of the Minor Use Permit shall address the above-mentioned requirements as well as any others necessary in order to make the findings required for the granting of a Minor Use Permit. Said Minor Use Permit may include composting of wood and/or green waste provided the conditions relating to composting are satisfactory to the Director of the Department of Public Works.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)

(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

- b. Notification. The Director shall notify the owner of the property of his action in the same manner as specified in the Building Code for revocation of a building permit, or by written notice to the owner of the subject property as shown on the latest assessment roll or as indicated by later information available to the Director.
- c. Appeal. Revocation or modification of a Site Plan may be appealed pursuant to Section 7166.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

7174 AUTOMATIC REVOCATION OF SITE PLAN APPROVAL.

If a Site Plan is approved or modified subject to one or more conditions, such Site Plan shall cease to be valid, and all rights and privileges granted thereby shall lapse, notwithstanding any other provisions of the Zoning Ordinance to the contrary, whenever there becomes final any judgment of a court of competent jurisdiction declaring one or more of such conditions to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation of one or more of such conditions.

7175 MINOR DEVIATION OR MODIFICATION NOT REQUIRED

A Minor Deviation or Modification to a Site Plan is not required for any Building, Structure or Projection listed in section 4835 or any use listed in the Accessory Use Regulations, sections 6150 – 6199, provided the Building, Structure, Projection or use meets the specific accessory use setbacks in the Site Plan and meets all other conditions and restrictions in the Site Plan. If the Site Plan does not specify setbacks for an Accessory Use or a Building, Structure or Projection listed in 4835, a Minor Deviation or Modification to the Site Plan is not required provided the Building, Structure, Projection or Accessory Use meets the least restrictive setbacks for the zone that applies to the subject site.

(Added by Ord. No. 9958 (N.S.) adopted 12-10-08)

USE PERMIT PROCEDURE

7350 INTENT AND PURPOSE.

The provisions of Section 7350 through Section 7399 shall be known as the Use Permit Procedure. A use permit may be granted to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, through review and, where necessary, the imposition of special conditions of approval.

7351 APPLICABILITY.

The use permit procedure shall be applied as required by The Zoning Ordinance, the General Plan, a Specific Plan, Tentative Subdivision Map, Tentative Parcel Map, Open Space Easement, or other discretionary development approval.

(Added by Ord. No. 6924 (N.S.) adopted 2-20-85)

7352 CLASSIFICATION OF USE PERMITS AND ORIGINAL JURISDICTION.

Use Permits shall be classified and original jurisdiction exercised over them as follows, except as otherwise provided in Sections 7376 and 7378:

- a. Major Use Permit. Applications for granting or modifying the conditions of a permit for one or more uses, structures or actions, any one of which requires a Major Use Permit, shall require Major Use Permits and shall be under the original jurisdiction of the Planning Commission, except that Major Use Permits which are not within the Current Urban Development Area as shown by the Regional Land Use Element and propose connection to the Rancho San Diego Interceptor sewer line shall be under the original jurisdiction of the Board of Supervisors with the Planning Commission making a report to the Board of Supervisors.
- b. Minor Use Permit. Application for granting or modifying the conditions of a permit for any use, structure, or action requiring a Minor Use Permit shall be under the original jurisdiction of the Director, except that applications for Minor Use Permits filed concurrently with tentative subdivision maps, reclassifications or Major Use Permits shall be under the jurisdiction of the body having jurisdiction over the tentative subdivision maps, reclassifications and Major Use Permits. Any use allowed by a Minor Use Permit may be allowed by a Major Use Permit.
- c. Concurrent Use Permit. Applications for granting or modifying the conditions of a use permit filed concurrently with an application requesting amendment of the Zoning Ordinance applicable to the land which is the subject of the use permit application shall be under the original jurisdiction of the Planning Commission. Applications for granting or modifying the conditions of a use permit filed concurrently with any other application under the original jurisdiction of the Board of Supervisors shall be under the original jurisdiction of the Board of Supervisors, and shall receive a recommendation from the Planning Commission prior to action by the Board of Supervisors.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6031 (N.S.) adopted 4-22-81)

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)

(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)

(Amended by Ord. No. 6783 (N.S.) adopted 5-16-84)
 (Amended by Ord. No. 7313 (N.S.) adopted 6-2-87)
 (Amended by Ord. No. 8157 (N.S.) adopted 10-14-92)
 (Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)
 (Amended by Ord. No. 8200 (N.S.) adopted 1-13-93)
 (Amended by Ord. No. 9549 (N.S.) adopted 4-30-03)
 (Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

7354 APPLICATION FOR THE GRANTING OF A USE PERMIT.

An application for the granting of a use permit shall be made as follows:

- a. Persons Eligible. The following persons shall be eligible to apply for the granting of a use permit.
 1. A property owner.
 2. A lessee upon written approval of the property owner.
 3. A person authorized to exercise the power of eminent domain.
- b. Required Documents. An application for the granting of a use permit shall be accompanied by the following documents:
 1. A list of the names of all persons having an interest in the application as well as the names of all persons having any ownership interest in the property involved. If any person identified pursuant to this provision is a corporation or partnership, the names of all persons owning more than 10 percent of the shares in the corporation or owning any partnership interest in the partnership shall be listed. If any person identified pursuant to this provision is a non-profit organization or trust, the names of all persons serving as directors of the non-profit organization or as beneficiaries, trustees and trustors of the trust shall be listed.
 2. Complete plans, a description of the property involved and a complete description of the proposed use. The complete plans shall include a plot plan drawn to scale showing all structures (existing and proposed). If the use permit will cover only a portion or portions of a lot or parcel, the plot plan shall include a measurable delineation of the area to which the use permit shall apply. That area shall include all land necessary for the proposed use, together with any open space, non-development areas, or other buffer areas which are necessary to enable making the required findings for use permit approval.
 3. Satisfactory evidence of the ability and intention of the applicant to proceed with actual construction work in accordance with the requested use permit within 6 months after it is granted.
 4. The appropriate environmental impact review document, as provided by Section 7610.

5. In the case of an application for a Mobilehome Park to be pursuant to the Regional Land Use Element Policy 3.8, evidence satisfactory to the Director that the authorization for filing has been obtained as required by any applicable Board Policy.
- c. Application Form, Filing and Fee. An application for the granting or modifying of a use permit shall be made on the prescribed form and shall be filed with whoever has jurisdiction as provided by Section 7352, and shall be accompanied by the fee referenced in Section 7602.

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 7048 (N.S.) adopted 10-09-85)

(Amended by Ord. No. 9569 (N.S.) adopted 7-09-03)

(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

7355 MAJOR USE PERMIT REVIEW IN COMMUNITY OR SUBREGIONAL PLAN AREAS WITH COMMUNITY DESIGN REVIEW PROGRAMS.

In community or subregional plan areas with community design review programs, applications for major use permits or major use permit modifications, for the following uses, shall be referred to the appropriate Community Design Review Board for advisory design review recommendation:

Planned developments; standard mobilehome parks; mini-mobilehome parks; religious assembly; administrative services; clinic services; community recreation facilities; cultural exhibits and library services; group care; child care centers; lodge, fraternal and civic assembly; and major impact services and utilities.

(Added by Ord. No. 7935 (N.S.) adopted 6-19-91)

7356 HEARING AND NOTICE.

All applications for granting or modifying a use permit and all actions to revoke or modify a use permit shall be heard at a public hearing scheduled and noticed as required by Section 7603, and 7605, respectively.

7357 EFFECT OF USE PERMIT ON OTHER USE OF THE PROPERTY

The granting of a use permit does not limit or preclude the establishment or operation of any uses on the remainder of the lot(s) or parcel(s) outside the boundaries of the use permit as delineated pursuant to Section 7354.b.2. For the portion of the parcel covered by the use permit, no use shall be allowed within the use permit boundary other than those specified in the use permit. No additional uses, by right or conditionally permitted, shall be allowed within the use permit area without modification of the permit. If, subsequent to the granting of a use permit, the use(s) authorized thereby become permitted uses through a zoning amendment, the holder of the use permit may request, and the Director may approve, termination of the use permit. Upon such termination, the terms and conditions of the use permit shall no longer be applicable to that property or to the use thereof.

(Added by Ord. No. 9569 (N.S.) adopted 7-09-03)

(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

7358 FINDINGS REQUIRED.

Before any use permit except those filed pursuant to Regional Land Use Policy 3.8 may be granted or modified, it shall be found:

- a. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
 1. Harmony in scale, bulk, coverage and density;
 2. The availability of public facilities, services and utilities;
 3. The harmful effect, if any, upon desirable neighborhood character;
 4. The generation of traffic and the capacity and physical character of surrounding streets;
 5. The suitability of the site for the type and intensity of use or development which is proposed; and to
 6. Any other relevant impact of the proposed use; and
- b. That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
- c. That the requirements of the California Environmental Quality Act have been complied with.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 8457 (N.S.) adopted 10-5-94)

7359 FINDINGS REQUIRED FOR PARTICULAR USE PERMITS

- a. Before any use permit pursuant to Regional Land Use Element Policy 3.8 may be granted or modified, in lieu of the findings required by Section 7358, it shall be found that the location, size, and design of the proposed use will not adversely affect or be materially detrimental to the San Diego County General Plan, adjacent uses, residents, buildings, structures, or natural resources, with consideration given to:
 1. The physical suitability of the site for the type and intensity of use or development which is proposed;
 2. The availability of public facilities, services and utilities;
 3. The generation of traffic and the capacity and physical character of surrounding streets;
 4. The harmful effect, if any, upon environmental quality and natural resources;
 5. That the site is within or adjacent to areas planned for urban type development;

6. That there is socio-economic benefit from the development that will justify the density and extension of urban services; and
 7. The harmful effect, if any, upon existing neighborhood character.
- b. Before any use permit for a "Specific Hazardous Waste Facility Project", as defined in Health and Safety Code Section 25199.1, may be granted or an existing facility modified, in addition to the findings required by Section 7358, it shall be found that the proposed facility is in compliance with the following siting criteria documents of the County of San Diego Hazardous Waste Management Plan 1989-2000, all of which documents are on file with the Clerk of the Board of Supervisors as Exhibit A to Ordinance No. 8093 (N.S.):
1. Section E, entitled "Local and Regional Facility Needs", of Chapter IX, entitled "Siting and Permitting of Hazardous Waste Facilities" (Pages IX-35 through IX-37);
 2. Appendix IX-A, entitled "Siting Criteria For Evaluating Hazardous Waste Management Facility Siting Proposals in San Diego County", and
 3. Appendix IX-B, entitled "'General Areas' For Siting Hazardous Waste Management Facilities."

(Added by Ord. No. 6924 (N.S.) adopted 2-20-85)
(Amended by Ord. No. 8093 (N.S) adopted 6-17-92)

7364 **EFFECTIVE DATE.**

Decisions of the Planning Commission, or the Director made pursuant to Section 7360 shall become final and effective on the eleventh day following the date of decision unless an appeal of the decision is filed as provided by Section 7366. All decisions of the Board of Supervisors made pursuant to Section 7360 shall be final and effective immediately.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
 (Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)
 (Amended by Ord. No. 9674 (N.S.) adopted 9-22-04)

7366 **APPEAL.**

Use permit decisions pursuant to Sections 7360, 7376, 7378 or 7382 may be appealed as follows:

- a. Appeals Authorized.
 1. A Major Use Permit decision of the Planning Commission may be appealed to the Board of Supervisors.
 2. A Minor Use Permit decision of the Director may be appealed to the Planning Commission, except that (a) a decision concerning a Minor Use Permit application filed concurrently with a tentative subdivision map, reclassification or Major Use Permit application may be appealed to the same appeal authority and pursuant to the same procedures as apply to such concurrent application; and (b) a decision concerning a Minor Use Permit for a mini-mobilehome park may be appealed to the Planning Commission; and (c) a decision concerning a Minor Use Permit for a nonconforming use within an adopted Redevelopment Area pursuant to Section 6878 may be appealed to the Board of Supervisors.
 3. A concurrent use permit decision by the Planning Commission may be appealed to the Board of Supervisors.
- b. Resubmittal of Revised Application. If upon appeal an application for a use permit is revised so as to require the submittal of a revised plot plan, all appellate proceedings shall be terminated and the application resubmitted to the authority having original jurisdiction for further consideration and decision. The decision of the revised application may thereafter be appealed as provided in this Section.

- c. **Persons Authorized to Appeal.** No person may appeal except the applicant for the granting or modification of a use permit; a County officer acting pursuant to paragraph "d" of this section; and those persons who protest the granting, revocation, or modification of a use permit either by written protest filed in the office of the Planning Commission, the Planning Environmental Review Board or the Director, whoever has jurisdiction over the use permit, prior to the time of the hearing or consideration of the matter by said authority; or by appearing and protesting the granting, revocation or modification of the use permit at the hearing or consideration of the matter by said authority.
- d. **County Officer May Appeal.** Notwithstanding any other provision of this Ordinance, any County officer, Board, Commission, or other County body, other than the authority having jurisdiction over the appeal, may appeal a decision of the Planning Commission, or the Director made pursuant to Section 7360, without fee.
- e. **Manner and Time of Filing.** An appeal shall be in writing, shall be accompanied by the fee referenced in Section 7602 and shall be filed as follows:
 - 1. If filed personally, the appeal shall be filed in the Department of Planning and Land Use by the tenth day after the date of the decision and shall be addressed to the Secretary of the Planning Commission or the Director, depending on who rendered the decision.
 - 2. If mailed, the appeal shall be postmarked by the tenth day after the date of the decision and shall be addressed to the Secretary of the Planning Commission or the Director, depending on who rendered the decision, Department of Planning and Land Use, 5201 Ruffin Road, Suite B, San Diego, CA 92123.
- f. **Effect of Filing the Appeal.** An appeal of a decision within the time specified in paragraph "e" of this Section shall stay the proceedings and effective date of the decision of the Planning Commission, or Director, as provided by Section 7366, until such time as the appeal has been acted on as hereinafter set forth in the Ordinance.
- g. **Forwarding of Record.** Upon the filing of an appeal, the authority having made the decision being appealed shall transmit to the appeal authority the records concerning the decision.
- h. **Public Hearing.** Following the filing of an appeal, the authority having appellant jurisdiction shall hold a public hearing on the matter scheduled and noticed as required by Sections 7603 and 7605, respectively. The public hearing shall be a hearing de novo and all interested persons may appear and present evidence.

- i. **Decision and Notice.** Following the hearing on an appeal, the authority having appellate jurisdiction may sustain the decision which is being appealed; or may grant or modify the use permit subject to specified conditions it imposes pursuant to Section 7362; or may revoke or deny the use permit, as is appropriate. The authority shall adopt findings, which specify all facts relied upon by it in reaching its decision and their relation to the requirements of Section 7358, and which state the reasons for any conditions imposed by it; provided, however, findings shall be deemed waived unless expressly requested in writing by the applicant or appellant at the time of the hearing on the appeal and prior to decision by the authority. Notice of the decision of the authority together with a copy of any findings adopted by said authority shall be mailed to the appellant and applicant, or to both if they are different parties, and a copy thereof shall be attached to the Planning Commission's, or the Director's file in the matter and said file returned to the Planning Commission, or Director, whoever rendered the decision which was appealed.
- j. **Finality and Effective Date.** Subject to the provisions of Chapter 4 (commencing with Section 86.401) of Division 6 of Title 8 of the San Diego County Code, relating to appeals of environmental determinations, the decision of the authority having jurisdiction over an appeal shall be final, conclusive, and effective immediately.
- k. **No Decision Reached.** Whenever the Board of Supervisors holds a hearing on an appeal from a decision on an application for a use permit, the proceedings shall be governed by the Board of Supervisors' Rules of Procedure and Section 375.13 of the San Diego Administrative Code. Whenever the Planning Commission holds a hearing on an appeal from a decision on an application for a use permit and thereafter fails to reach a decision because a motion on the item failed to carry by the required vote, the secretary of the Commission shall set the matter for a noticed public hearing de novo if such hearing is requested by the Commission. Such request must be made within 30 days of the date when the motion on the item failed to carry. If no such request is made within such period, the decision from which the appeal has been taken shall be deemed sustained.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
 (Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)
 (Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
 (Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)
 (Amended by Ord. No. 7048 (N.S.) adopted 10-09-85)
 (Amended by Ord. No. 7878 (N.S.) adopted 3-6-91)
 (Amended by Ord. No. 7979 (N.S.) adopted 10-02-91)
 (Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)
 (Amended by Ord. No. 8409 (N.S.) adopted 6-01-94)
 (Amended by Ord. No. 8425 (N.S.) adopted 7-13-94)
 (Amended by Ord. No. 9548 (N.S.) adopted 4-9-03)
 (Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)
 (Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

7370

7370 NUISANCE.

The granting or modification of a use permit shall not authorize or legalize the maintenance of any private or public nuisance.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

7372 DISCONTINUANCE.

Each use permit granted pursuant to these provisions shall expire and become null and void at the expiration of one year after the purpose for which it was granted shall have been discontinued or abandoned.

(Amended by Ord. No. 6467 (N.S.) adopted 11-10-82)

(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)

7374 EXPIRATION.

Each valid unrevoked and unexpired use permit shall expire and become null and void at the time specified in the permit. If no time is specified, then the use permit shall expire two years after granting unless construction and/or use of the property in reliance on the permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided by Section 7376.

Notwithstanding the above, if the use permit is issued in conjunction with the approval of a subdivision map pursuant to the County Subdivision Ordinance, the use permit shall remain in full force and effect for the duration of the tentative approval for that subdivision map and, if the subdivision map does not receive final approval, expire upon expiration of the tentative approval. If the subdivision map receives final approval, the use permit shall expire three years after recordation of the final or parcel map unless construction and/or use of the property in reliance of the permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided by Section 7376 and provided further, that construction complies with zoning regulations in effect at the time of construction.

(Amended by Ord. No. 6155 (N.S.) adopted 9-15-81)

(Amended by Ord. No. 6164 (N.S.) adopted 9-22-81)(Supersedes Ord. No. 6155 (N.S.))

(Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)

(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)

7607 PUBLIC HEARINGS - ADDITIONAL MATTERS IN NOTICE.

Where application is made for an amendment of The Zoning Ordinance which proposes changing the zone classification of any property or the boundaries of any zone, or for a Variance or Major Use Permit, the Director, or the Planning Commission shall have the discretion to include in the notice of hearing on such application, notice that the Planning Commission will consider classification other than that proposed and/or additional properties and/or uses and/or Variances. Where application is made for an ordinary Variance or a Minor Use Permit, the Director shall have the discretion to include in the notice of hearing on such application notice that the Director will consider additional uses and/or Variances.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

7608 INVESTIGATIONS.

The Planning Commission, or the Director shall cause an investigation to be made of facts bearing on an application for granting, extending, or modifying, or an action to revoke or modify a variance or use permit, or whenever necessary to investigate a proposed amendment of The Zoning Ordinance, an application for a planned development permit, or an Administrative Appeal. The investigation shall include an analysis of precedent cases as will serve to provide all necessary information to assure action on each case consistent with the purpose of The Zoning Ordinance and with prior actions.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

7609 MINOR DEVIATION FROM PLAN.

If an Administrative Permit, Variance, Site Plan or Use Permit allows or requires land to be used or developed in accordance with a plan, or plans that are referred to in the Administrative Permit, Variance, Site Plan, or Use Permit, Minor Deviations from said plan may be authorized in accordance with the following provisions:

- a. Intent. This section provides for situations where it is necessary to deviate from a plan in a minor way which is consonant with the purpose and intent of the related Administrative Permit, Variance, Site Plan or Use Permit. The intent of this section is to provide for flexibility in the operation of an Administrative Permit, Variance, Site Plan or Use Permit by permitting a Minor Deviation to be administratively granted by the Director. It is not the intent of this section to permit a deviation from the plan which violate the intent and purpose of the related Administrative Permit, Variance, Site Plan or Use Permit or any of its conditions, or to allow any action for which an Administrative Permit, Variance, Site Plan or Use Permit would otherwise be required by The Zoning Ordinance.

- b. Jurisdiction. The Director may authorize a Minor Deviation from a plan referred to in an Administrative Permit, Variance, Site Plan or Use Permit granted by the Board of Supervisors, the Planning Commission, or the Director.
- c. Required Findings. A Minor Deviation from a plan shall be authorized only after findings that:
 - 1. The requested deviation does not constitute a substantial change in the Administrative Permit, Variance, Site Plan, or Use Permit; and
 - 2. The requested deviation will not adversely affect adjacent property or property owners.
- d. Prohibited Deviations. No deviation from a plan, or deviations having a cumulative effect, shall be authorized which would permit one or more of the following:
 - 1. An increase or decrease from the original approved plan of more than 10 percent of the gross area of any yard, open space, working area or parking area, provided that no decrease may be permitted in any required yard for which an exception pursuant to Section 4813 or a Variance is required:
 - 2. An increase or decrease from the original approved plan of more than 10 percent of the size of any building or structure or of the total land area covered by any building or structure;
 - 3. An increase or decrease from the original approved plan of more than 10 percent of the height of any building or structure or of any part thereof, or of the depth or area of an excavation, slope or working area; or
 - 4. In case of Use Permits and Site Plans, an increase in the number of buildings or structures shown on the original approved plan so as to increase by more than 10 percent the total land area covered by all buildings and structures.
 - 5. A sign, if signs are not regulated by the approved Administrative Permit, Variance, Site Plan or Use Permit except that a Minor Deviation for a sign or sign program subject to a Community Design Review, Historic Landmark, Historic District or Design Review special area regulations designator may be approved upon due consideration of the recommendation of the applicable Design Review Board, Historic Site Board, Historic District Review Board, or Community or Subregional Planning Group.

- e. Application Form, Filing and Fee. An application requesting a minor deviation from a plan shall be made on the form prescribed by the Director, shall be filed with the authority having jurisdiction as provided by paragraph "b" of this section, and shall be accompanied by the fee referenced in Section 7602.
- f. Hearing Not Required. Any action of the Director pursuant to this section may be taken without notice or public hearing.
- g. Decision is Final. Any decision by the Director pursuant to this section shall be final; provided, however, that the denial by the Director of a request for a minor deviation from a plan shall not prevent the applicant from applying for a new Administrative Permit, Variance, Site Plan, or use permit or modification thereof pursuant to the Zoning Ordinance.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

(Amended by Ord. No. 7740 (N.S.) adopted 3-28-90)

(Amended by Ord. No. 8105 (N.S.) adopted 7-15-92)

(Amended by Ord. No. 8236 (N.S.) adopted 5-5-93)

(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

7610 ENVIRONMENTAL IMPACT REVIEW - REQUIRED INFORMATION.

Notwithstanding any other provision of the Zoning Ordinance, all applications for the granting of a variance, use permit, zoning ordinance amendment request, and planned development permit shall include at least one of the following:

- a. Negative Declaration. A negative declaration on proposals which are not environmentally significant;
- b. Draft EIR. A draft EIR on proposals which could have significant environmental effects;
- c. Categorical Exemption. A certification by the Director of categorical exemption; or
- d. Other Certification. A certification by the Director that the proposal is otherwise not subject to the environmental review requirements of the Environmental Quality Act of 1970.

7611

7611 ENVIRONMENTAL IMPACT REVIEW - CONSIDERATION.

The Board of Supervisors, Planning Commission, or Director, whoever has jurisdiction to grant, conditionally grant, or deny an application for which an environmental impact report has been prepared, shall consider such report as independent evidence in making the decision whether to grant, conditionally grant or deny the application. In addition to any other discretion granted by law, such Board, Commission or County officer shall have the authority to consider the adequacy of the environmental impact report and shall have the authority to require the preparation of a supplementary report in any case in which a supplementary report is deemed by it to be necessary as a basis for a decision on the application.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

7612 BOND TO INSURE PERFORMANCE OF CONDITIONS.

Every bond to insure performance of conditions shall be a penalty bond and shall be in a form satisfactory to the Director, Planning Commission or Board of Supervisors, whoever requires same, shall be payable to the County of San Diego and shall be conditioned upon compliance with the conditions and limitations including any limitation of time, upon which such variance or use permit is granted. Upon the breach of any condition or limitation, including a limitation of time, upon which the variance or use permit is granted, the money or the bond furnished as security shall be forfeited to the County of San Diego and such money or the money collected on any such bond shall be paid into the general fund of the County of San Diego.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)

(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

7613 INSURING PROVISION OF IMPROVEMENTS.

- a. Deposit. Every agreement to provide required improvements shall be accompanied by an amount of money to be deposited with the Director of Transportation to guarantee the adequate completion of said improvements. The amount shall equal the estimated cost of construction of the required improvements at the end of the time specified in the agreement.
- b. Bond or Instrument of Credit. If the estimated cost of the improvements is \$1,000 or more, in lieu of such deposit the permittee may file with the Director of Transportation an appropriate surety bond, guaranteeing the completion of all the improvements, in a penal sum equal to such estimated cost. In lieu of the bond, the Director of Transportation may at his discretion accept an instrument of credit such as is authorized by the Subdivision Map Act or other security in a form approved by County Counsel.